

REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO THE

TREATMENT OF TREASON-FELONY CONVICTS IN ENGLISH PRISONS.

TOGETHER WITH

APPENDIX AND MINUTES OF EVIDENCE.

VOL. I.—THE REPORT AND APPENDIX.

Presented to both Houses of Parliament by Command of Her Majesty.



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LETTER OF INSTRUCTIONS.

My Lord,

Whitehall, May 10, 1870.

With reference to allegations which have from time to time been made on the subject of the treatment of prisoners under sentences of penal servitude in convict prisons in England for the crime of treason-felony, I am directed by Mr. Secretary Bruce to request that you will, in conjunction with the gentlemen named in the margin, inquire and report to him:—

1. Whether there is anything in the treatment, diet, or discipline of the convict prisons to justify any charges of unnecessary severity or harshness towards the prisoners confined therein; or of neglect of the conditions necessary for the due preservation of the health of the prisoners.

2. Whether the treason-felony prisoners have been subjected to any exceptional treatment in any way, or have suffered any hardships beyond those incident to the condition of a prisoner sentenced to penal servitude.

You are authorized to call before you and examine any person whose evidence may be necessary to enable you to carry out this inquiry, and to call for and examine any prison books which you may desire to inspect.

I am further to request you to communicate with the Chairman of the Directors of Convict Prisons, who has been instructed to afford you all necessary facilities for making this inquiry.

Mr. Bruce has requested your Lordship to preside at the inquiry as Chairman, and to communicate with the other gentlemen named in regard to the arrangements for carrying it into effect.

I am, my Lord,

Your Lordship's obedient servant,

A. F. O. LIDDELL.

The Right Hon. the Earl of Devon.

The Right Hon. the
Earl of Devon, Chairman.

Esq. George Charles
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REPORT.

TO THE RIGHT HONORABLE HENRY AUSTIN BRUCE, HER MAJESTY'S PRINCIPAL SECRETARY OF STATE FOR THE HOME DEPARTMENT.

SIR,

On the 18th day of May 1870, we received the annexed letter written by your direction as Secretary of State for the Home Department, referring to allegations made respecting the treatment of prisoners under sentence of penal servitude in convict prisons in England, for the crime of treason-felony, and requesting us to inquire into and report to you upon the following questions, viz. :—

- 1st. "Whether there is anything in the treatment, diet, or discipline of the convict prisons to justify any charge of unnecessary severity or harshness towards the prisoners confined therein, or of neglect of the conditions necessary for the due preservation of their health; and
- 2ndly. Whether the treason-felony prisoners have been subjected to any exceptional treatment in any way, or have suffered any hardships beyond those incidental to the condition of a prisoner sentenced to penal servitude."

2. We also received from Captain Du Cane, the Chairman of the Directors of Convict Prisons, a statement showing the number and names of the prisoners of the above description then in English prisons, and the prisons in which they were respectively confined. Our investigation being limited to the cases of treason-felony prisoners confined in English prisons at the date of our appointment, we have abstained from any inquiry either into the Irish prisons in which some of them had been confined previously to their transmission to England, or into the treatment of those who, having been in English prisons, had been already released.

Captain Du Cane,
Questions 12 and 13,
Appendix A.

3. We gave notice, however, as will appear hereafter, that we should be ready to receive the evidence, if tendered, of any released prisoners, so far as it might appear to us to bear upon the subject of our inquiry.

4. From Captain Du Cane's statement it appeared that there were at Woking prison eight treason-felony prisoners, viz. :—

Thomas F. Bourke.
Brian Dillon.
Denis D. Mulcahy.
William F. Rountree.

John Murphy.
Patrick Ryan.
Edward Power.
Richard O'S. Burke, alias Berry.

At Chatham prison six, viz. :—

John Devoy.
C. U. O'Connell.
John McClure.

William Halpin, alias John Hart.
J. O'Donovan Rossa.
Henry Shaw, alias Mullidy.

At Dartmoor prison one, viz. :—
Patrick Lennon.

At Portland prison eleven, viz. :—

George Brown.
T. C. Luby.
W. Mackay.
John O'Leary.
Michael Sheehy.
Mortimer Shea, alias Moriarty.

Edward St. Clair.
Peter Mohan.
John McCafferty.
Patrick Doran.
Patrick Walsh.

5. We desire to record at the outset our sense of the readiness shown, as well by the Chairman of the Directors of Convict Prisons and his colleagues, as by the officers of the several prisons, in supplying us, whether spontaneously or on our request, with all such information as was material to our inquiry, and our conviction that a general desire exists on the part of the Prison Department, and has been uniformly manifested, to facilitate and secure a complete, detailed, and searching investigation.

6. At our first meeting, which took place on the 24th day of May 1870, and also at several subsequent meetings, we had under our careful consideration the mode of conducting our inquiry.

7. Having regard to the fact that our instructions expressly referred to allegations of harsh and unjust treatment made by or on behalf of the treason-felony prisoners, we thought it our duty to secure for them full opportunity of bringing forward and supporting any such allegations, whether of exceptional hardships or of hardships arising from the general operation of the convict system. In cases where individual officers might be incriminated, we felt it no less our duty to give them full opportunity of making any counter statement which they might desire to lay before us. It was also clearly incumbent upon us, under the first head of our inquiry, and apart from any complaints, either general or special, which might be preferred, to examine into the diet, medical attendance, sanitary arrangements, labour, discipline, and religious teaching and worship in each prison, and to form in an independent judgment on the double question, whether the treason-felony prisoners, as a class, had been treated with peculiar harshness, and whether the ordinary conditions of penal servitude, as affecting them individually, were needlessly severe or injurious to health.

8. Proceeding on these principles, we determined to visit each of the above-named prisons, to investigate personally their interior economy and management, and to take such evidence as might be relevant to either branch of our inquiry. The further course of our procedure was the subject of much anxious discussion, and the conclusions at which we ultimately arrived upon it were not adopted without some division of opinion.

9. The first question which engaged our attention was that of permitting counsel to appear before us.

10. It was urged upon us by many of the prisoners, and strong representations to the same effect were on several occasions addressed to us by their friends, that in order to afford to each person, when bringing forward his complaint or charge, all the assistance to which he had a just claim, and to secure a thorough and impartial investigation, it was necessary that counsel should be present during the inquiry and take part in the examination. It was further urged that reporters on behalf of the public press should be allowed to attend and to report the proceedings and evidence.

11. We considered these representations with a single desire to adopt that course which would best tend to the discovery of the truth.

12. Considering, however, the special character of the investigation, our inability to administer an oath, the fact that the employment of counsel on the one side to examine and cross-examine would necessarily involve the employment of counsel on the other with similar functions and powers, and the mischief which would result from the partial and premature publication of evidence, we decided by a majority that it would be inconsistent with the satisfactory conduct of the inquiry to admit the presence of either counsel or reporters. The correspondence which passed on this subject will be found in Appendix B.

13. The second question that arose had reference to the opportunities and means to be allowed to prisoners for preparing and bringing forward their statements. After mature deliberation we decided by a majority on acquainting each prisoner with the facilities afforded by the following regulations, which were also made public by advertisement in newspapers in Ireland.

REGULATIONS as to the FACILITIES to be given to TREASON-FELONY PRISONERS who may wish to make STATEMENTS before the COMMISSIONERS.

1. The prisoners will have full opportunity for making an oral statement to the Commissioners as regards their treatment; such statement to be made in a private room, in the absence of any prison officer, and after a distinct intimation from the Commissioners, to which they will give full effect, that no statement so made will in any way prejudicially affect the prisoners' future position and treatment.

2. They will further have full opportunity for making written statements, and for offering such oral explanations of them as they may desire. Writing materials will be provided for them, and three days' intermission from labour allowed, if wished.

3. The Commissioners will be prepared to receive any statement in writing from any friend of the prisoner, or any person acting on his behalf, and to take the oral evidence of any witness, (including, if desired, any released prisoner), which may appear relevant to the general treatment of treason-felony convicts.

4. The Commissioners have recommended to the Secretary of State that access to any prisoner, at a reasonable hour and for a reasonable time, for the purpose of assisting him in the preparation of his statement, should be allowed to friends of such prisoner,

under such regulations and conditions as the Government may think necessary. Application in such case should be made to the Home Office.

5. The evidence will be taken down by a short-hand writer.

6. The report and evidence will be made public.

14. In consequence of the intimation thus given to the prisoners, we received applications from many of them to be allowed to see various documents connected with their prison life, which they alleged to be material, in order to enable them to prepare statements to be submitted to us. These applications were uniformly referred by us to the Board of Directors of Convict Prisons, with an expression of our hope that, as far as considerations of public policy would permit, the documents asked for would be furnished. Such of those documents as the authorities thought could properly be given, were placed in the prisoners' hands. Others, considered to be of a confidential character, were furnished to us for our assistance in the inquiry. Appendix C. contains a list of both classes of documents. Adequate time was of course allowed by us to the prisoners for consideration of the papers so given to them. It was provided also that due notice should be given to each prisoner of the day when the Commissioners would attend for the purpose of receiving his evidence.

15. Having thus stated the nature and character of the preliminary steps taken by us, we proceed to lay before you the subsequent course and results of our inquiry.

16. We visited the following prisons, viz., Millbank, Pentonville, Portland, Chatham, Dartmoor, and Woking, the last two of which are intended for the reception of invalid convicts. Though none of the prisoners included in our inquiry were at the time of our visit inmates of Millbank or Pentonville, they had all (with the exception of Michael Sheehy, and Mortimer Shea, who were transferred from Mountjoy to Portland,) been located in one or other of those prisons on being first brought over from Ireland. They were so located in accordance with the rule under which all prisoners sentenced to penal servitude are in the first instance, and ordinarily for a period of nine months at least, sent to either Millbank or Pentonville, in which the system is one of separate labour and (except in the infirmary) separate cells during the whole period. At Portland, Chatham, Dartmoor, and Woking, while the majority of the prisoners occupy separate sleeping cells, the system of association in labour, and (generally speaking) in exercise, prevails.

17. In each of the prisons thus visited we examined orally such of the prisoners as desired to give evidence, some of whom had previously sent in written statements. We also examined those of the officers whose evidence appeared to us likely to be material.

18. Of the evidence thus given, whether in writing or orally, some portions were general, having reference to the ordinary system of treatment, diet, and discipline in convict prisons; others related specially to the treason-felony prisoners, and bore upon the question whether or not they had been subjected to any exceptional hardship.

19. With regard to the general evidence above referred to, which bears upon the first branch of our inquiry, we desire to observe that we have not considered ourselves directed or authorized to frame a comprehensive report upon the whole subject of convict prisons. The inquiries made by us have simply had for their object to ascertain whether, in the regulations and management of those prisons which it was our duty to visit, there was anything to justify charges of unnecessary severity or of want of due care for the preservation of health.

PART I.

20. Having visited with this view the prisons of Dartmoor, Portland, Chatham, Woking, Millbank, and Pentonville, we feel justified in reporting favourably of their general administration in respect of treatment, diet, and discipline. The governors and other officers appear to us, as a body, well qualified for the discharge of their arduous duties, while careful, frequent, and responsible supervision by the central department is calculated to provide a wholesome safeguard against possible abuses of power. Neither in the system itself nor in its ordinary operation, due regard being had to the fact that convict prisons are intended to be places of penal discipline, did we observe anything to justify charges of unnecessary severity or harshness, or a neglect of the conditions necessary for the due preservation of health. There are, however, certain points upon which we desire to qualify this general opinion, and shall think it right to suggest alteration.

21. The general subject naturally divides itself into the several heads of diet, medical attendance, sanitary arrangements, labour, discipline, and religious teaching and worship, and we propose to deal with these seriatim.

Diet.

Appendix D.

5708, 5714, 5721,
12,455.

564, 715, 5712.

5612, 5622,

5472.

1280, 11,433, 12,290,
12,465, 12,500.

1502, 1231.

5623, 5455.

4485.

22. We append tables showing the dietary now in use at the various convict prisons, which is founded on the results of an elaborate and exhaustive inquiry conducted by a Royal Commission in 1854. The proportion of solid food was somewhat increased at Chatham on the special report of a committee in 1867, and the difference is believed to be no more than a compensation for the greater exposure and heavier nature of the labour on the Chatham works. Judging from the physical appearance of the convicts, as well as from the evidence of their general healthiness, we see no reason to doubt the sufficiency of the existing dietary in quantity, unless in seasons of unusual severity, or where labour as heavy as that at Chatham is enforced. In such cases, or under other extraordinary circumstances, it seems to us that an increase of diet may be required; and we venture to recommend that hot rations should always be issued instead of cheese for the Sunday dinner, a practice already adopted in some instances.

23. We inquired with care and minuteness into the dietary of the several prisons visited, and the quality of the food, personally inspecting in many instances the provisions in store, tasting the food when dressed, and testing it in the rations of individual prisoners. We see no reason to doubt that, in the vast majority of instances, the food is wholesome and good of its kind. We have carefully inspected the bread in all stages in most of the prisons which we have visited. It is made of best seconds flour, which, when examined, appeared good and wholesome. We have on some occasions observed that the bread did not appear to have been thoroughly leavened, and that the dough had not fully risen; and we also noticed, in some instances, that the bread had not been sufficiently baked. Bread forms such an important staple of the prisoners' diet, that too much care cannot be devoted to its preparation.

24. We tasted the soup in several prisons, and found it good. So far as we could ascertain, however, the skins of beef, which are the chief ingredients in it, are not uniformly subject to the same inspection as other supplies of meat before reception by the storekeepers. The tea supplied to certain classes of the prisoners also attracted our attention; it appeared to us to be of inferior character, owing to its being kept too long in the cauldron before use.

25. With a view to preclude all possible grounds of complaint on the score of bad quality, we recommend that a more frequent and direct supervision of the meat and other articles of diet should form part of the duties of medical officers of prisons.

Medical Attendance, &c.

26. We have every reason to believe that the prisoners receive due care and attention from the medical officers. At the same time, it appears that medical officers of convict prisons are not required to possess qualifications both in medicine and surgery, and that, in some instances and at certain seasons, the sole medical charge of a large infirmary, and of 1,300 or 1,500 convicts out of hospital, devolves upon a single officer, having only one professional qualification. We cannot regard this as satisfactory, and would suggest the expediency of making such regulations in reference to the medical staff of convict prisons as will ensure a thoroughly efficient treatment of all cases, both medical and surgical, at all times, including the period during which the chief medical officer may be absent on temporary leave.

27. We are further of opinion that each prisoner should be medically examined on admission with greater precision than appears to be now the practice, and the result entered in detail upon the paper containing his prison history. A more frequent inspection of those not on the sick list would also be of service in guarding against the risk of a prisoner being employed upon work for which his constitution may be unfit, though he may not have actually complained to the medical officer. For a similar reason, it might be well that all prisoners should be weighed at certain regular intervals of time, and their weights duly registered. Considering the depressing influences of convict life, the statistics of mortality and disease in the prisons are creditable to the medical officers, but it is certain that in order to preserve the working power of convicts from permanent deterioration, unusual precautions are needed. The suggestion and enforcement of such precautions would naturally fall within the province of medical inspection, and we respectfully submit for the consideration of the Government the question of instituting such an inspection of convict prisons at stated periods.

28. We found the infirmary accommodation and the ventilation of the wards, for the most part, sufficient, and all proper provision made for the comfort of patients. We are bound, however, to state that at Pentonville the infirmary wards did not seem to us

so suitable for their purpose as those in the other convict prisons. There seems to be no want of liberality in the scale of infirmary dietary, which can be adapted to individual cases at the absolute discretion of the medical officer. But it would probably be more convenient, as well as more conducive to a skilful preparation of food suitable for the sick, that a separate kitchen or cooking department should be appropriated in each prison, to the infirmary, and that all provisions for the infirmary should be subject to regular inspection by the medical officer.

Sanitary Arrangements.

29. With regard to sanitary arrangements, a distinction is to be made not only between the close prisons and public works' prisons, but also between Millbank and Pentonville. In all, cleanliness is scrupulously enforced, and there is a free circulation of air through the corridors. In the close prisons and in the penal-class wards of the public works' prisons the cells are of adequate size, though not, in all cases, so well lighted as might be desired. In the public works' prisons and in parts of the invalid prison at Woking, the cells, being designed mainly for sleeping, are much smaller, and, as we think, too small for health, unless further provision be made for ventilation. All the dark cells, but especially those at Millbank, appeared to us imperfectly ventilated—a defect which the entire exclusion of light renders the more injurious to health.* The plan of having a watercloset in each cell, as in some wards at Pentonville, is open to much objection on sanitary grounds; but it is obvious that, in the absence of this convenience, facilities of access to closets in the wards should be freely granted; and this, we fear, is not always secured by the actual management of convict prisons. We may add that we cannot approve of the custom formerly general, and still prevailing in one or two prisons, whereby two or more prisoners are made to bathe in the same water, or in water which flows under contiguous partitions of the same bath.

5611.

5747. 6922.

1168. 3471. 16,385.
15,011. 15,524.

Labour.

30. The average amount of labour exacted from convicts at the public works cannot be deemed excessive for able-bodied men, as compared with that performed by an equal number of free labourers. Still, it is probable that some prisoners, though not weakly enough to be exempted on a preliminary medical examination, do actually suffer from the labour imposed, at least so far as to fall off materially in weight. This would easily be detected by periodical weighing and more frequent medical inspection, and, where detected, would be a proper ground for reducing the amount of work or altering its nature. It may also be a subject for consideration whether, after a preliminary stage of probation, a discriminating adjustment of prison labour to the previous habits and individual capacity of prisoners, might not afford a valuable means of rewarding good conduct, and likewise a wholesome reformatory influence on character.

Discipline.

31. There are several subjects under the head of prison discipline on which it appears to us that a revision of the existing rules is requisite.

32. The first of these is the privilege of memorializing the Home Secretary. We found that very conflicting opinions were entertained by directors and governors of convict prisons as to the extent of this privilege, especially where the subject of the memorial is unjust or negligent treatment. We ascertained that in different prisons the practical limitations of the privilege are materially different, and that upon the whole its exercise is too dependent on the discretion of the very authorities whose conduct may be impugned to be of much value as an appeal in the last resort. We think that, whatever may be the proper definition of this right, it ought to be embodied in some distinct rule, and formally explained to every prisoner on his reception.

205. 226. 266. 342.
345. 373. 425. 439.
462. 478. 712. 758.
776. 828. 1125. 2233.
2171. 2230. 2267.
2192. 2226. 2226.
12,228. 12,227. 14,247.

33. The restrictions now imposed on the writing and receipt of letters may, in our judgment, be somewhat mitigated without prejudice to discipline. A prisoner's health is, of all subjects, the one on which his friends may naturally desire to be kept informed, and we are of opinion that any existing rule which precludes him from communicating with them on this subject, is of doubtful necessity, and calls for further consideration. Nor are we satisfied that it can ever be proper to inflict an absolute prohibition of letter writing for an indefinite time by way of punishment, even where a prisoner has not emerged from the probationary class, or has been relegated into it. We think,

155. 215. 205. 677.
627. 1038. 2151. 2242.
2420. 15,122. 17,421.205. 227. 19,145.
2238.

* The Dark Cells, pentagon Y, Millbank, from their restricted dimensions, their bad position, and their excessively defective ventilation, demand immediate attention.

3508. 12,797.

moreover, that whenever a letter is suppressed, whether addressed to a prisoner or written by him, the fact and the reasons should be forthwith communicated to him; that, in the latter case, he should be allowed, at least once, to write another letter in lieu of the suppressed letter; and that in the former the letter should be returned to the writer, with a statement of the cause of suppression, the prisoner being also informed of the name of the writer. We are further of opinion that it is deserving of consideration whether a prisoner may not be permitted to write to and receive from his nearest relatives a short letter at more frequent intervals than is at present allowed, and whether the existing privilege of receiving visits may not be extended on a similar principle.

34. The established method of trial and punishment for prison offences has constantly forced itself upon our attention, and we are by no means insensible of the many difficulties which surround the subject. The duty of estimating and dealing with those difficulties must rest with those who are responsible for the government of convict prisons, but we feel bound to specify what seemed to us the doubtful points of the system.

3509. 305. 2315. 2316.
3449. 3154. 2796.
11,317. 13,274.

35. One of these points is the habitual exclusion of one prisoner's testimony in corroboration of a statement made by another, whether on the occasion of a complaint made by a prisoner against an officer, or a report made by an officer against a prisoner. We are fully sensible of the essential importance of avoiding everything which may tend to impair the means of maintaining due discipline, but we nevertheless question whether the practice above referred to (which if not universally in force, is yet observed in the great majority of cases) is consistent with the attainment of that which is the object of all inquiry, viz., the knowledge of the real facts of the case. We do not mean to imply that a prisoner's evidence, if tendered, should always be taken, but we think that it should be always treated as admissible, *quantum valeat*, in accordance with the rule on the subject contained in the general regulations for convict prisons.

36. The somewhat arbitrary use of handcuffs, as a measure of restraint, calls for notice in this place, though we defer to a later part of our report the observations which arise out of one particular case in which they were employed.

10,960. 19,836. 13,212.
14,335. 14,336. 14,814.
Ac.

37. As to the power of imposing handcuffs, we have taken the evidence of the Chairman of the Directors, and we have also examined several governors and deputy-governors.

38. We have to report that there does not appear to us to be that uniformity in practice, or that unanimity in the interpretation of the powers entrusted to governors, which we should deem to be desirable on so important a subject.

12,796. 12,354. 12,516.

39. The imposition of manacles at Millbank is supposed, according to the evidence of the governor, to be restricted to 24 hours, day and night included, with removal only for the purpose of access to the watercloset. At Woking Prison, by an entry of May 1st, 1859, in the Prisoners Misconduct Book, we find that manacles may be imposed for a period of 72 hours, "with the usual period of release, one hour after each 24 hours." We find a very great concurrence of opinion that manacles may be imposed for a period of 72 hours, and no longer, except under a renewed order. Finally, the Chairman, while admitting that the period of 72 hours cannot be exceeded without reference to a director, stated that in his opinion, under a liberal construction of this rule, provided the full period of the order is not exhausted by the continuous imposition of manacles for 72 consecutive hours, day and night, at any one time, a prisoner may, if the governor deems fit, be kept in manacles an indefinite time.

3441. 11,046. 19,948.
13,555. 12,544.

40. In view of this statement we cannot consider that even by the recent standing order, No. 325*, the power of imposition of manacles is defined with sufficient clearness or precision, and we recommend the reconsideration of the subject to the special attention of the authorities.

41. We are, moreover, of opinion, that, except for the immediate control of personal violence, and for a short period, to be defined by the Directors, manacles should not be imposed without the written order of a governor or deputy-governor after a hearing of the case; that in any case in which manacles are imposed, the prisoner should be conveyed with all convenient speed before a governor or deputy-governor; that the order should in all cases specify the manner in which the manacles are to be applied, whether in front or behind, and the period for which they are to be so continued; that a fresh written

* "The governor will enter in his journal any case of a prisoner being placed under restraint, with the day and hour of that restraint being put on and taken off or changed in manner of application. A prisoner is not to be kept in irons by the governor for a longer period than 72 hours, without the written order of a director, specifying the cause thereof and the time during which the prisoner is to be kept in irons, and whether irons or handcuffs are to be placed in front or behind, which order shall be preserved by the governor as his warrant."

order be issued for each day on which the same rules are to be applied, and that entries of such punishments should be duly made.

42. We have had under careful consideration the question of the use of dark cells as a means of restraint or punishment. The evidence shows that in the majority of the prisons visited by us they are rarely used, and that their employment is not uniformly regulated by the same rules. At Pentonville and Dartmoor the governors informed us that refractory prisoners are not kept in dark cells for more than four hours, whereas at Chatham we have found that a prisoner has been frequently so confined for a period varying from one to three days. We are not prepared to recommend the entire abolition of dark cells. We are, however, of opinion that confinement in a dark cell is not to be justified as a simple measure of restraint, since the admission of light is consistent with the adoption of every necessary precaution against violence. It is, in fact, a very severe punishment; as such it ought not, we think, to be inflicted without a previous hearing of the case, and a written order of a governor or deputy-governor, nor ought it to be continued beyond 12 hours without a fresh written order. We think also that a prisoner in a dark cell should be allowed to retain his bed, blanket, and rug, while confined therein. The provision for ventilation in dark cells (to which we have already called attention as being in some instances defective) should be thoroughly examined, and, where necessary, improved.

43. Punishment for prison offences by diminution of food, or alteration in the kind given, is common in all the prisons which we visited. Bread-and-water diet under which 1 lb. of bread is allowed daily, is frequently employed for a period of from one to three days by a governor's sentence. It may also be extended to 28 days by the sentence of a director, with penal class diet every fourth day.* Penal class diet may likewise be imposed by a director for six months, and may immediately succeed 28 days bread and water. We cannot but call attention to the very serious consequences which may result from continuing such punishments too long or repeating them too frequently. In our opinion 28 days confinement in a penal cell, on bread and water, varied with penal class diet every fourth day, or penal class diet for six months, can hardly fail to be in some degree injurious to ordinary constitutions. We regard the whole subject as one which needs further consideration, not only from a disciplinary, but also from a physiological, point of view.

Religious Teaching and Worship.

44. The arrangements made for religious instruction and worship, as well as the chapel accommodation, appeared to us satisfactory.

45. We have no reason to doubt (though one or two statements having an opposite tendency were made to us) that due care is taken to prevent interference with the religious creed of each prisoner.

46. We learnt, however, from the evidence, that prisoners under punishment, and in some prisons those in the infirmary, are not allowed to attend divine service.

47. With regard to those in the infirmary, we think that arrangements should be made to facilitate the attendance of all who are able to leave the sick ward; and as regards those under punishment, we entertain grave doubts whether the reason given for the prohibition, viz., that the attendance at chapel would be a temporary mitigation of the punishment enforced, should be allowed to outweigh the spiritual advantages which may accrue to every prisoner from attendance on religious service.

PART II.

48. Proceeding to the second branch of our inquiry, viz.—“Whether the treason-felony prisoners have been subjected to any exceptional treatment in any way, or have suffered any hardships beyond those incidental to the condition of a prisoner sentenced to penal servitude”—we think it more convenient to state first the general allegations applicable to some or all of the treason-felony prisoners, with such remarks upon each as may appear to us necessary.

49. We should premise, however, that certain allegations were made by two of the prisoners in reference to circumstances attending their transmission from Ireland, into which we were not in a position to inquire fully, but which we think of such a character that the attention of the proper authorities should be directed to them. It is alleged that due consideration was not shown by those in charge of the prisoners for the inconveniences

* Tables of the different diet tables are given in Appendix D

incidental to a sea voyage and a long journey. Should it be found that such circumstances occurred as were detailed to us, we think it important that due provision should be made against their recurrence.

50. *Searches, &c.*—Of the general complaints made by the treason-felony convicts, the first had reference to the practice and mode of searching, as well on their first reception in prison as at certain periods during their confinement. The rules which prescribe and enforce searching are, with slight variations as to the frequency of the periodical searching, common to all convict prisons, and it did not appear to us that the treason-felony prisoners were subjected in this respect to any exceptional treatment, except at Pentonville, where some of them had to undergo weekly searches, as a measure of precaution, for a short period after their first arrival.

51. It was stated strongly to us by all the prison officers whom we questioned on the subject, that the maintenance of the practice of searching is necessary for the exclusion of prohibited articles, and for the personal safety of those who are charged with the custody of the prisoners. The necessity of searching, and of other strict precautions, was fully proved to us by the exhibition of dangerous weapons found concealed on the persons of prisoners, and was lamentably illustrated by the death of a warder, during the sittings of our Commission, from injuries inflicted by a prisoner on the works at Portland, and by the murderous attack lately made upon the governor of Woking Prison. We therefore do not feel justified in suggesting any change, other than that the naked search of a prisoner should not take place in the presence of other prisoners, and should be conducted by selected officers.

52. In the case of some of the treason-felony prisoners, complaint was made that, when at Pentonville, they were obliged at bedtime to put on their day clothes and cell furniture. It was explained to us by the governor that this measure, though somewhat exceptional, was enforced, not as an indignity, but as a precaution against escape; a course uniformly adopted in similar cases.

53. *Deprivation of Flannels.*—We find that on arrival at Pentonville the flannels supplied to the treason-felony convicts at Mountjoy prison were taken from them. We are of opinion that as they arrived in mid-winter, and as some of them appear to have been men of delicate constitutions, and one was of debilitated and weakly frame, flannels should have been given to them without waiting for the intervention of the medical officer, in lieu of those which they had worn up to that time, and which it was necessary to send back to Mountjoy prison. We are informed that the rule which made the issue of flannels dependant on the recommendation of the medical officer, has since been modified.

54. *Association.*—Another general complaint of the treason-felony convicts was that, whereas the offence of which they had been convicted was of a special character, implying in their view no moral degradation, they had been associated with other prisoners undergoing the sentence of penal servitude for gross and heinous crimes.

55. Waiving for the present the question of principle involved in this complaint, (to which, however, we shall hereafter advert), we proceed to state the facts.

56. Pentonville and Millbank are close prisons, in which association is neither permitted nor possible.

57. At Dartmoor none of the prisoners have been confined except Mulcahy and Lennon. Mulcahy was transferred to Dartmoor on the 8th of February 1867, and thence to Woking on the 8th of May in the same year. During that period he was associated with the ordinary prisoners. Lennon was transferred to Dartmoor on the 30th of December 1868, and is still there; he also is associated with other prisoners.

58. At Portland a different course was taken at a very early stage of the confinement of the treason-felony convicts.

59. They arrived there on the 14th of May 1866. The governor states as follows:—
 " They remained in the washhouse " (in associated labour) " for only a day or two; I
 " think it was five days." " I then received instructions to treat them as ordinary prisoners,
 " that is to say, that they were to be sent on to the public works, but they were to be
 " located by themselves, and they were to be worked in a party separate by themselves,
 " and they were so. This has continued up to the present time." In confirmation of
 this, we may state that when we visited Portland we saw the treason-felony prisoners
 placed on the public works under a separate shed, withdrawn from association with the
 other prisoners. It is right that we should add that though they were under the super-
 vision of a warder they were allowed to remain without doing any work at all. Such,
 at least, was the case on the day of our visit. The governor, however, has subsequently
 informed us that since that time several of them have done some light work. We insert
 in the Appendix a return of work done by them for four months in the present year.

60. At Woking, the treason-felony prisoners have been employed in associated labour up to a comparatively recent period. Of late they have worked as a separate class. 3296, 3296.

61. At Chatham, except in the infirmary, the treason-felony prisoners have, as a rule, not been associated with other convicts, or employed on the public works. It appears, however, that some of these prisoners themselves applied to be allowed to labour on the public works for a short period. J. O'Donovan Rossa was for some time the only treason-felony convict in this prison, and he was then worked in association. On a subsequent occasion, 1st June 1868, as a measure of punishment, he was compelled to labour with ordinary prisoners on the public works. After some days he refused to continue at work, in consequence, as he alleges, of "the unpleasant life he led with them." For this he was reported and awarded three days' bread-and-water punishment.

62. We find that at Portland, Woking, and Chatham, arrangements exist for separation of these prisoners from the ordinary convicts when in attendance on Divine service. 3295.

63. *Occupation.*—Several complaints were made by these prisoners of their having been obliged to perform certain tasks of work of a degrading character, e.g., to wash the clothes of other prisoners, to clean out cells, and even privies. 3214.

64. It is perfectly true that those who were received at Portland were, on their first arrival and for a few days, pending the receipt of instructions from the central authority, placed in the wash-house, but they were subsequently, as stated above, placed on the public works as a separate party. As regards the other descriptions of work referred to, it is sufficient to say that they are such as are performed in turn by all prisoners. 3273, 3235.

65. *Location of the Prisoners.*—In reference to the prisoners' cells, we are of opinion, subject to the observations already made in regard to the necessity for enlarged size and improved ventilation in certain cases, that no valid objection can be made to the mode in which the prisoners are lodged. It is true, indeed, that in the winter of 1866, during a storm of unusual severity, the rain was driven in through the walls of Hall D., Portland prison, and the cells occupied by certain of the treason-felony convicts were partially flooded, and their beds and clothes became a good deal wetted. They were, however, promptly removed to other cells, and all useful measures at once adopted. 3123, 3484, 3596, 32, 165.

66. *Diet.*—We have, as already stated, in the vast majority of instances found the food supplied to the prisoners to be wholesome and good of its kind. Slight improvements of the ordinary diet have been from time to time made in the case of treason-felony prisoners, under the authority of the Home Office. 3235, 3247, 3738, 3443, 3447, 3495, 3468, 3476, 10, 179, Appendix F.

67. In one instance only the Commission detected portions of meat unfit for human use in the supply sent in for the infirmary. This occurred at Chatham on July 4th, 1870, when three pieces of mutton of greenish colour in parts and of very bad smell were pointed out by the Commission. When the attention of the steward was called to this meat, he informed us that the meat in question had not been actually received. It was subsequently condemned by a board of officers. 3533, 3298, 12, 515.

68. Notwithstanding the care which is evinced in superintending each stage of the preparation of the prisoners' food, it is not to be wondered at that in very rare and exceptional instances, and especially in hot seasons, portions of the meat supply have been delivered in a tainted condition, or have become suddenly tainted after they were received. Two medical officers stated to us that they had on very rare occasions in hot weather had to report on rations returned by prisoners as tainted. 3565, 13, 411.

69. We have, therefore, to report that while it is possible that, as alleged by some of them, the treason-felony convicts have on some occasions been served with rations more or less tainted, this did not occur, nor indeed is it alleged by themselves to have occurred, except at few and distant intervals. With reference to the allegations that such foreign substances as a mouse, entrails of a fowl, or other refuse, have found their way into the prisoner's diet, we have to observe that if such articles got accidentally into the soup cauldrons even a few hours before the soup was served, they would be boiled down into a condition in which they could not be recognized. The distribution and weighing of the separate rations is conducted by rotation parties of the prisoners themselves. It must be admitted as barely possible that in transition from the kitchen to the prisoner's cell, by accident or design, a foreign object of small size might find its way into a convict's ration. An object supposed to have been a mouse was on one occasion detected in a prisoner's ration. On careful examination it was found to be a small piece of cowhide with the hair on. We, however, are of opinion that if such occurrences have in any instances taken place, they were purely accidental, and they do not justify any general allegation of want of cleanliness or due attention in the preparation of food. 3425, 3033, 3422, 3423.

70. It is, no doubt, true that some of the treason-felony prisoners have been in the habit, from time to time, of returning various articles of diet, and in some instances their 145, 3764, 3079, 10, 383, 11, 464.

entire rations. To what cause this is to be attributed has not been clearly shown; but, considering that prison fare, though wholesome, must be plain, and of a description to which many prisoners must be unaccustomed, we do not see in this fact any just ground for objection to the food.

71. *Work*.—We have with much care and minuteness inspected the various classes of work on which the treason-felony convicts have been from time to time employed.

72. The works at Dartmoor, Portland, and Chatham, which are conducted out of doors, and which comprise clearing and trenching land, operations of excavation, and the quarrying, hewing, and dressing of stone, involve, when the prisoner works well, a fair day's work of hard labour. At Portland the prevailing whiteness of the stone and the glare of the sun in hot weather appear to us to require the addition of a good peak to the prisoners' cap, with a shade for those who have weak or tender eyes. In trenching and excavating operations in the open air, greater facilities for shelter against severe weather might perhaps be provided.

73. The treason-felony prisoners having for the most part been employed in comparatively light indoor-work, have not been subjected to as much exposure as ordinary convicts. Nor have many complaints on this score been laid before us. Several of them, however, allege themselves to have been compelled to do work for which the state of their health unfitted them, and we shall hereafter notice this allegation in connexion with individual cases.

74. Various charges have been made which come under the head of medical treatment. They have chiefly had reference to alleged want of proper attention to the prisoners' complaints or calls for medical aid, on the part of the medical officers.

75. We have already expressed our opinion on the general system of medical attendance and for infirmary management in convict prisons, and we shall have occasion to discuss the more important of the specific complaints at a future stage of our report.

76. Having thus dealt with the allegations which relate to the whole body of the treason-felony convicts, we now proceed to examine somewhat more particularly the cases of certain of the prisoners, in regard to whom more full details have been put in evidence before us.

Jeremiah O'Donovan Rossa.

77. This prisoner, described as the publisher of the "Irish People" newspaper, was convicted of treason-felony, at Dublin, December 13th, 1865, and sentenced to penal servitude for life. He was received into Mountjoy prison on the same day, and thence transferred to Pentonville, 23rd December 1865. He was removed to Portland on the 14th of May 1866, placed on second probation at Millbank on the 20th of February 1867, and removed to Chatham on the 24th of February 1868. He handed in a written statement, and was on several occasions examined by us upon it.

78. Two special allegations were brought under our notice by this prisoner. The first and more important of them was that he was on one occasion at Chatham kept in handcuffs for 35 days, and that, with the exception of his meals, when his hands were brought to the flout, and during the night, when the handcuffs were taken off altogether, he was manacled behind for that whole period.

79. We examined many witnesses in reference to this allegation. It appeared that, on June 16th, 1868, after numerous and repeated breaches of prison rules, for which he had been almost continuously under punishment since the 1st of May, O'Donovan Rossa committed an assault on the governor, Captain Powell, by throwing at him, on the occasion of his visiting the punishment cells, in discharge of his daily duty, the contents of his chamber vessel.

80. For this he was ordered on the next morning to be "handcuffed behind," and placed under report, to await the consideration of his offence by the visiting director. The director did not visit the prison until the 1st of July. He then heard the case and awarded provisionally a sentence which he submitted for the consideration of the Chairman. Premising that, in the ordinary course, Rossa would be punished for his offence by flogging, he recommended that in case that punishment should not be inflicted, the prisoner should undergo twenty-eight days' punishment diet in close confinement, and be placed in the penal class for six months. He also recommended that all movable articles should be removed from his cell, and that he should be kept in handcuffs in the day time. This sentence was confirmed on the 7th of July, but without mention of handcuffs. The period of 28 days' punishment diet did not take effect until the 20th of July.

81. Captain Powell states that, as he was about to proceed on leave of absence for three days, on the 17th of June, he left Captain Harvey, Deputy-Governor, in charge on the 16th after the assault, directing him to place the prisoner in handcuffs behind, to be removed at night. Captain Powell returned after three days, and was on duty from the 20th of June. He states that as the assault was made upon himself, he abstained from visiting the prisoner, and had no personal knowledge as to how the manacles were applied.

Appendix G.
13,942 16,941
10,937, 11,973

10,909
13,934

82. The allegation is that O'Donovan Rossa remained, with the exception of nights and meal times with his hands manacled behind him from June 17th to July 20th.

83. We carefully examined, with reference to this allegation, the entries made at the time in the governor's journal, the chief warder's report book, and the separate cell book. These entries substantially tally, and are perfectly conclusive on one point. They place beyond all possible doubt the fact that O'Donovan Rossa had handcuffs on, either before or behind, with the intervals already referred to, for 34 days.

84. Dr. Burns, the medical officer, Principal Warder Alison, Warders Brown, Hibbert, Giddings, and others testify to the fact that for the first three days the prisoner was handcuffed with his hands behind his back, except at meal times, when they were placed in front, and at night, when they were altogether removed. The sworn evidence of assistant warder W. Thompson, given on the 1st July 1868, and recorded in the prison books, leaves no doubt that the prisoner was handcuffed on the 19th June, with his hands behind his back. We are of opinion that it has been fully established that O'Donovan Rossa was so handcuffed with his hands behind his back, except at meal times and at night, for three days.

7217, 7561, 7501.
7710 8451 16,406
12,217, 12,274
13,932.

85. As to whether the handcuffs were during the remaining portion of the 34 days before or behind, the evidence is very conflicting. The first entry in the separate cell book under date of the 17th of June is as follows: "J. O'Donovan Rossa to be placed in handcuffs behind, by order of the governor," but all subsequent entries simply record the removal at night, and re-imposition in the morning of handcuffs, without showing in any way whether they were placed behind or before.

13,968.

86. Captain Harvey, then one of the deputy governors, speaking from memory only, stated that he visited Rossa's cell frequently during the period referred to, and that Rossa had then no handcuffs on. When shown the entries in the prison books, Captain Harvey declared himself unable to reconcile them with his own recollection, on which he was unwilling to rely in the face of such evidence.

12,262, 12,268.
12,999, 12,520.
13,436, 13,676,
12,691.

87. Dr. Burns, though he cannot fix the exact time during which handcuffs were worn, states, though not very confidently, that the prisoner was not handcuffed in either way for so long a time as is alleged. Alison, too, as well as several other warders then employed in various offices about the separate cells, deny, more or less positively, that the handcuffs were continued behind after the first three or four days.

9350 9343, 16,485.

88. On the other hand, the inference to be drawn from the evidence of two of the warders, Hibbert and Giddings, is that the manacles were put on behind for a period of about three or four weeks. These officers were among those whose special duty it was to take off and put on the handcuffs.

9390 9368.

89. Other evidence of a less direct nature has been laid before us, both orally and otherwise; and we have not failed to give due weight to whatever might in any degree throw light upon a transaction which, in the course of the last two years, has been the subject of so many contradictory statements.

9347, 9378.

90. There are two considerations which greatly weaken, in our judgment, the force of the evidence against the allegation, repeatedly and consistently made by O'Donovan Rossa, that he was manacled with his hands behind for at least 34 days.* In the first place the majority of those who denied that allegation appeared to lay greater stress on the strong improbability of such a measure having been enforced, than upon a clear recollection that it was not enforced. Secondly, we cannot but notice that most of them denied with equal confidence that O'Donovan Rossa could have been manacled at all for so long a period as 34 days, whereas that fact, as we have already stated, has been established by proof which we regard as irrefragable.

9447, 12,642, 16,302.

7563.

91. It is to be borne in mind, too, that there is no entry or other proof of any alteration or modification of the original order, and that, in the absence of any such counter order, the duty of the warders would be to act upon the original one.

12,539, 7594, 8462,
12,976, 12,850.

92. On the whole, we are of opinion that the preponderance of testimony is in favour

* The actual statement was, that he was manacled for 35 days. It is to be observed that, having been released from handcuffs at 8 p.m. on July 20th, he was, for a further offence of a grave character committed in the interval, replaced in manacles on the same day at 4.15 p.m., and that they were not finally removed until noon on the 22nd.

of the supposition that, except at meal times when the handcuffs were placed in front, and at night when they were taken off altogether, O'Donovan Rossa was manacled behind for the period which intervened between June 17th and July 20th.

93. Whether this continuous use of handcuffs is to be regarded as a measure of restraint or one of punishment has not been clearly shown to us. We are of opinion that handcuffs should never be employed in any case as a measure of punishment, and upon a review of all the circumstances, we fail to discover any sufficient justification for their employment for so long a period as a measure of restraint.

94. The second matter of complaint brought before us by O'Donovan Rossa was as follows:—

95. In November 1866 a letter was found in the Roman Catholic Chapel at Portland Prison, inserted between the leaves of a book of devotion, signed by him, and addressed as follows: "Mrs. Mary Moore." In the corner of the cover, at the back of the letter itself, and also at the foot of the last page in the inside, were written the words: "for Mrs. O'D."

96. O'Donovan Rossa was reported for an attempt to send out a letter surreptitiously, and brought before Mr. Clifton, the Governor, on the morning after that on which the letter was found. That charge he admitted, as well as that time before the Governor as in his evidence taken by us.

97. He complained, however, that the Governor further imputed to him an attempt to carry on an intrigue by letter; that Mr. Clifton so informed Moore, another prisoner, to whose wife the letter was supposed by him to be addressed; that he stated to Messrs. Knox and Pollock, the Commissioners of 1867, that he believed that such was Rossa's intention, and that he told them and also the visiting director and the Secretary of State that he believed the insertion of the words "Mrs. O'D." to be a subterfuge.

98. O'Donovan Rossa entirely denies, and has always denied, this charge, stating that the letter was not intended for anybody but his wife, and he pressed for an inquiry as essential to clear his character from the imputation of any criminal intention.

99. We took the evidence of the Governor on the subject, examined O'Donovan Rossa himself, and inspected the entries in the prison books bearing upon the point.

100. We also compared the intercepted letter with a letter previously sent by Mrs. O'Donovan Rossa to her husband, to which he alleged that the former was a reply, and which certainly contains inquiries to which the former supplies answers. We ascertained, moreover, from Mr. Clifton himself, that O'Donovan Rossa had requested him to communicate to Mrs. O'Donovan Rossa several particulars exactly corresponding with parts of the intercepted letter.

101. The result of our consideration of the subject has been to satisfy us that the Governor acted and spoke under misapprehension in reference to this letter; that the letter was bona fide intended for O'Donovan Rossa's wife; and that O'Donovan Rossa is clear from the imputation of any endeavour to carry on a love intrigue.

102. It is fair to add that Mr. Clifton had not, previously to his examination by us, compared the two letters; but we cannot but express our regret that he did not take that course, since such a comparison, coupled with the strong internal evidence supplied by O'Donovan Rossa's letter, could not have failed to prevent him from harbouring the suspicion, or communicating it to others.

103. We examined O'Donovan Rossa on several other topics of complaint included in his written statement, and we think it right to express our sense of the candid and straightforward manner in which his testimony was given. These topics related almost exclusively to a series of punishments incurred by him during the first three years of his imprisonment. We investigated such points arising out of them as appeared to merit explanation, and the evidence respecting these will be found appended. We consider it, however, less necessary to deal with them here in detail, inasmuch as many of them have been anticipated in our more general remarks; while O'Donovan Rossa himself did not disavow most of the specific offences against prison discipline for which he was punished. What he virtually alleged was that, finding himself a marked man from the first, and branded as a bad character when he was unconscious of deserving it, he was led to assume an independent, not to say defiant, attitude, and thus became involved in a protracted struggle with the prison authorities. It was no part of our duty, nor was it within our power, to follow up this allegation, unless so far as particular acts of supposed injustice might be adduced in support of it. No such acts were established to our satisfaction, except to those to which we have already adverted. At the same time we have much pleasure in recording the fact that an opportune appeal to his better feelings by Capt. Du Cane in October 1868, proved more effectual than a long previous course of penal discipline; and that with one exception, in December of that year, he has not since been subjected to any further punishment.

Charles U. O'Connell.

103. This prisoner was convicted at Cork, and sentenced to ten years penal servitude, in Dec. 1865. He was received into Pentonville prison on the 16th of January 1866, and subsequently transferred to Portland on the 14th of May 1866, to Millbank on the 20th of May 1868, and to Chatham on the 15th of March 1869. He is stated by Dr. Burns, medical officer of Chatham prison, in his evidence before the Commission to be a man of delicate and very irritable constitution and highly nervous temperament. Whilst before the Commission he exhibited a condition of excessive and unceasing nervous tremor, visibly affecting his whole person. Dr. Burns, states this to be usual when he begins to speak or gets excited, and is of opinion that he has a kind of "nervous paralysis of the head occasionally after speaking."

6790. 6824.

104. It is noted in his medical history at Pentonville that he had "slight aortic disease." This opinion is not shared by Dr. Burns, who, however, states that he is subject to palpitation of the heart. The prisoner's weight has varied very much. At one time it was 139 lbs., subsequently 124 lbs.; on arrival at Chatham it was 129 lbs., and it subsequently fell to 119 lbs. (12th May 1870).

6725-4.

5734. 6718. 6794. 6826.

105. He has been for a considerable time in the habit of returning portions of his food unused. His diet has been occasionally changed, but with only temporary improvement of his appetite and general condition.

6725. 6737. 6764. 6813. 6845. 6851. 10,715, &c.

106. It is necessary to state that Dr. Burns is of opinion that this convict's loss of weight is due to his wilful refusal of food, and that he has sometimes been malingering or shamming since the occasion of a visit paid to him in the early part of last year. After having gone fully into the evidence given by the medical officer in support of this view, we are compelled to state that he (Dr. Burns) himself admits that he did not take any special means of testing whether the prisoner was or was not malingering; nor did he lay before us ground sufficient, in our judgment, to warrant this assumption.

6725. 6815. 10,715, &c.

107. In the preliminary evidence given before us by this prisoner, he states that he has been frequently placed on bread and water punishment, sometimes for periods of 70 hours. We find, on reference to the prison books, that he has in fact been sentenced on two occasions to close confinement on bread and water for three days, and on four occasions to a like punishment for one day. Assuming that he was then suffering from aortic disease, he would, in our judgment, have been unfit to undergo such discipline.

5935.

108. He farther alleges that his father and other members of his family were prevented from communicating with him or receiving news of him for a period of four years, and that four out of five letters written by him to his family have been suppressed. His father is in America. He has placed before us certain of his suppressed letters which he read in full to the Commission.

5074.

5653.

109. His letter of April 3rd, 1869, was "cancelled by order of director, 3/4/69." It contains allegations against the government and the prison authorities, with much detailed reference to family transactions and friends. On the 14th April he got permission to write another letter "in lieu" of that of April 3rd. This letter also was suppressed and endorsed "not allowed to write in lieu." It is chiefly filled with complaints against prison officials, and charges of ill-treatment of himself and others. On the 16th September 1869 he wrote a letter to his father, which also was suppressed by the director on 25th September. It likewise contains numerous charges of ill-treatment in prison. On the 18th November 1869 he wrote to another relation, and on this occasion his letter, with parts obliterated, was allowed to pass out. On May 12th, 1870, he again wrote a letter to his father which was suppressed; it contained many family allusions, and several charges against the prison discipline and officials.

5114. 5120.

5137. 5043.

5165.

5274. 5175.

5184.

110. While we in no way desire to recommend any interference with the proper censorship of prisoners' letters, we are of opinion that it would have been better to forward the letters addressed by the prisoner to his nearest relatives, erasing or removing such parts as the prison authorities on due consideration deemed improper to be communicated.

111. In these letters, and in partial statements in his oral evidence, the prisoner makes general allusions to other charges of ill-treatment in the several prisons in which he has been confined. He also refers to the denial of permission to receive visits from his friends. As, however, he finally and deliberately declined to make any general statement of charges, written or oral, to the Commission, and as we have not been furnished with the dates or other details necessary for the full investigation of such allegations, we are not in a position to report upon them, or to state whether or not they are well founded.

112. In conclusion we have to state in regard to this prisoner that his health and condition are such as to make his ultimate location and treatment a question which demands the special attention of the authorities.

Patrick Lennon.

113. This prisoner, aged 27, was convicted and sentenced to 15 years penal servitude, at Dublin on the 10th of Feb. 1868, and was confined at Millbank from the 26th of February 1868 to the 30th of December 1868, when he was removed to Dartmoor. He is the only treason-felony convict at present in that prison, and, so far as we could ascertain, is treated in all respects like an ordinary prisoner. At first he declined the offer of writing materials, but on second thoughts prepared and handed in a short written statement, upon which he was orally examined by us during parts of two successive days.

114. His main complaint is that his lungs were injured by prison fare at Millbank, and that his disease was neglected by the assistant medical officers at Millbank and Dartmoor. Of Mr. Gover, the chief medical officer at Millbank, he spoke with gratitude. He believes himself to be in "a decline," partly brought on by prison labour at Dartmoor, which he represents as peculiarly trying.

115. On reference to his "medical history," we find that he was entered on admission at Millbank as suffering from "debility with phthisical tendency," though Mr. Gover considered him free from actual disease. His weight on admission is not recorded; his weight on discharge was 154 lbs., being some pounds less than, according to his own account, he had formerly weighed in America. He states that he was never sphygmoscopically examined at Millbank till about six weeks before his departure, when he supposes the result to have been unfavourable, but as no detailed notes of the case were procurable, we had not the means of verifying the accuracy of his recollection. He does not, however, appear to have undergone any such examination on his arrival at Dartmoor; an omission which, under the circumstances, it is difficult to understand, although it was justified by the acting medical officer on the ground that he made no complaint of his chest. It is right to add that, according to his own account, he was examined by auscultation a few days later, and again "sounded" on admission to hospital in August 1869.

116. During the early part of 1869, he more than once applied to the governor and expressed himself discontented with his medical treatment. In September his appearance attracted the notice of the medical officer, and he was shortly afterwards admitted to the infirmary for a boil. On the 16th of that month he was ordered to be weighed, and found to have lost 19 lbs. since reception. Between that period and the date of our visit in June he had regained 7 lbs., but he still looks somewhat delicate, and complains of soreness in one side. The assistant medical officer, who at the date of our visit was in sole charge, alleges that he has exhibited no active symptoms of chest disease at Dartmoor, and has been properly treated for temporary ailments. Without questioning either of these allegations, we cannot but express our opinion that a closer examination of his chest would have been desirable when he fell off so remarkably in weight, and that it may be matter for consideration whether he should not be removed from Dartmoor before the coming winter.

117. The other grievances described in Lennon's written statement and oral evidence do not purport to be very serious, and disappeared on close investigation. The language which he candidly owned to having used before the governor, and the fact that he never appealed to a director for redress, make it probable that he deserved the few punishments which he incurred for breaches of prison discipline, and the concurrent testimony of several warders left no reasonable doubt on this point. Indeed, he laid very little stress on anything but the supposed neglect of his health, speaking highly of the consideration shown towards prisoners by the late, and still more by the present governor of Dartmoor.

Patrick Ryan.

118. Patrick Ryan, aged about 25, a boiler maker by trade, was convicted under the Treason Felony Act, at Swansea, March 1868, and sentenced to five years penal servitude. He was sent to Millbank 30th March 1868, and to Woking Invalid Prison 12th May 1869.

119. He was examined before the Commissioners at Woking, July 1st, 1870, and was then in a very weakly condition. It was necessary to provide him with a seat, and to give him refreshments several times during his examination. He was suffering from diarrhoea, to which he seems to have been for a considerable time constitutionally liable.

120. His complaints for the most part referred to the hardships of prison discipline, diet, and clothing.

121. Though frequently under medical care, he does not charge neglect or ill-treatment on the part of the medical officers. He says, "The doctor attended to me pretty well. "I don't believe I have anything to complain of in that respect this present time."

122. Ryan complains of the naked searches to which he was subjected at Millbank and Woking. His statements are not contradicted. We refer to the general observations which we have elsewhere made on this mode of search.

123. Ryan alleges that on one occasion he was brought before the chief warder on a charge of having laughed at an inferior officer; that, though he denied the charge, he was taken to a separate cell and detained there for 24 hours; that he was then brought before the governor, who heard the case, but, while declining to receive the evidence of other prisoners did not think it necessary to impose any punishment. We have not been able to find any record of this transaction in the extracts from the prison books furnished to us, and we are now unable to ascertain how soon the officer reported to the governor that he had removed the prisoner to one of the cells designed for the confinement of a prisoner under report. Circumstances may arise rendering it necessary for a chief or principal warder to adopt immediate measures of restraint or separation on his own responsibility, but we are of opinion that the course so pursued by him ought always immediately to be reported to the governor or deputy governor, and the case adjudicated upon as early as practicable, and, if possible, on the same day.

124. We have elsewhere considered in our general remarks the question of the admissibility of prisoners' evidence.

125. Ryan states that on one occasion only he objected to work. It was on a Sunday when he was about to receive the Holy Communion. He alleges that he mentioned this to the officer, and requested that he should not to be required to work at the pump; but that the officer refused, telling him that to work at the pump "would do him more service." Ryan could not state the name of the officer, and it was not therefore in our power to investigate the complaint. We do not doubt, however, judging from the respect for the religious opinions of the prisoners uniformly manifested by the higher prison authorities, that, if such language had been proved to have been used, the officer who used it would have been severely punished.

126. The arrangements for baths at Millbank and Woking to which Ryan was subjected are a matter of complaint to which we have adverted in our general observations.

127. With respect to work, Ryan appears to have been treated with kindness and consideration. When at Woking, he was first located in the knitting shed. Thinking that this sedentary work did not agree with him, he asked to be removed to outdoor labour, and was so removed. Finding that the work of "drawing cars" was heavy on his chest, and shocked, as he states, by the language of his criminal associates, he requested the governor again to remove him, and his request was immediately granted. In January last he was placed at light pumping work in the open air.

128. Ryan complains frequently of the prison diet. He states that on many occasions he returned his food as bad, but got nothing in place of it. He complains of the Sunday dinner, bread and cheese. He finds fault with the shin of beef soup and the pudding, and states that he once found the dirt of mice in his gruel. He objected to the food, and returned it 30 or 40 times. He took some bad cheese to chief warder Alison, who desired him to get it exchanged, but there was no more to be had. He states, however, that the dietary was improved on the 23rd December, 1869, and he states in reply to the question, "Has your food always been wholesome here (Woking)?" "The food, sir, is very wholesome; in regard of that shin of beef soup and the pudding, that is the only thing I couldn't eat at all." The subject of diet is fully referred to in our general observations, which cover the above specific complaints made by Ryan.

129. Ryan states that the clothing is insufficient in winter. We have examined the clothing with much care at the different prisons, and are of opinion that it is, under ordinary circumstances, sufficient for health. It is possible, no doubt, that when long in use it may become thin, light, and insufficient, and Ryan states that the clothes given to him were dirty and worn out. We had no opportunity of testing the accuracy of this assertion. Ryan himself frankly admitted that the nature of his previous occupation (that of a boiler maker) had rendered him especially sensitive to cold.

130. Ryan states that, having asked for some water at half-past eight o'clock one evening, the warder outside his cell refused it, and called him a "damned Fenian." He did not, however, complain to the governor. Ryan is unable to identify the warder, or to bring any corroborative proof. We were therefore unable to investigate the charge.

131. Ryan complains that, having been convicted at Swansea and not in Ireland, he was originally put upon a different footing from the other treason-felony prisoners. Like most of them, he expressed a strong repugnance to being classed with ordinary criminals, and stated that, at his own earnest request, the governor had consented to remove him from the contaminating influence of association with them.

132. This prisoner's conduct has, on the whole, been excellent. He has never been punished.

John Murphy.

133. This prisoner, now 61 years of age, was convicted at Mullingar on the 17th of July 1865, and was sentenced to seven years penal servitude. He had spent five months in Mountjoy prison before his removal to Pentonville on December 23rd, 1865. He was transferred to Woking on April 20th, 1866, and is now employed with other treason-felony prisoners in outdoor work, at the pump, so light that, as he said himself, "a child could do it." He put in no written statement, but was orally examined by us on two occasions. He made few complaints before us, and disclaimed any wish to complain.

134. His chief anxiety seemed to be that his term of seven years' penal servitude might be considered as dating from his first trial (when no verdict was returned) in March 1865, instead of from his conviction on the 17th of July 1865.

135. Like other treason-felony convicts, he spoke of the frequent stripping for searches at Pentonville, and of having to put his clothes outside his cell at night, as harsh and unusual precautions; and he stated that he had suffered from the deprivation of flannels. The observations which we have already made on this subject apply with special force to a man of his age and with a rheumatic tendency. The prison records show that he was supplied with flannels on January 12th, 1866, so that he was left without them nearly three weeks. He also found some fault with the prison food at Woking, especially with the shin-of-beef soup, the cheese, and the sweet pudding.

136. The only other annoyances which he mentioned were the rough language of one warder, and the vexatious conduct of another (no longer in the prison), who used to wake him up at night, and whom he reported four times to the governor. This annoyance, he stated, was at last stopped on his threatening to report it to the director. On the other hand, there are but two reports against him on the prison books, neither very serious. We learn from his case-sheet that his health in prison has been indifferent, and that he has been frequently under medical treatment for rheumatic affections, though it did not appear that he had been in the infirmary during the present year.

William Francis Roantree.

137. This prisoner, aged 39, was convicted at Dublin on the 24th of January 1866, and was sentenced to 10 years penal servitude. He is described as a butcher or mercantile clerk; but he informed us that he never followed the former occupation. He was received at Pentonville from Mountjoy on the 10th of February 1866, was transferred to Portland on the 4th of May 1866, was invalided to Woking on the 8th of February 1867, and still remains there.

138. Many complaints have been made on behalf of Roantree in various published documents, but they are all embodied in the very full written statement which he handed in to us, and upon which he was orally examined. The material charges therein comprised mainly resolve themselves into allegations of medical neglect or maltreatment, and the want of nutritious food.

139. His own representation is that "since his arrest he got piles;" that he was almost rid of them when he was removed from Mountjoy prison to Pentonville; that at Pentonville they were aggravated by purgatives administered under the doctor's orders; that nevertheless he was an able-bodied man when removed from Pentonville to Portland; that he was there kept working at the quarries while bleeding profusely from the effects of the disease; and that Dr. Blaker, the medical officer, grievously mismanaged him; that he is now, and has been since his removal to Woking three years and a half ago, a confirmed invalid, "with a permanently injured constitution;" and that a studied disregard of the conditions necessary for health has been shown in his case by the prison authorities.

140. The evidence before us distinctly negatives many of the essential parts of this representation. It is not disputed—indeed, the medical records prove—that Roantree has suffered from piles at frequent intervals throughout his imprisonment; but it appears from an entry in his case-sheet that on his reception at Woking he said that he was first troubled with them some years before. At Portland he was three times under treatment for this affection, once for a period of 168 days, and he seems to us to have been treated with all due care by Dr. Blaker. He was invalided to Woking in consequence of piles, and has since been repeatedly subject to bleeding, sometimes complicated with prolapsus. Dr. Campbell does not take the same serious view of the case as the prisoner himself. The infirmary warders and other attendants do not corroborate his statement as to the amount of blood passed at various times. The medical notes covering the whole period of his confinement at Woking, show not only that many small luxuries have been freely

allowed him, but that his diet has been repeatedly varied, at his own request, to suit his appetite. Various remedies suitable for hemorrhoids seem to have been from time to time applied by the medical officers under whose charge he has been. For some months past he has not been under treatment for this malady, though retained in the infirmary for the sake of a more generous diet. During his confinement at Pentonville and Portland his weight rose from 155 lbs. to 159 lbs.; it has increased since his reception at Woking from 159 lbs. to 165 lbs. We have no means of judging whether on his arrival at Portland he was in a fit state for working in the quarries, or ought to have been admitted earlier into the infirmary, though it is right to say that there is some evidence to show that bleeding occurred on more than one occasion while he was at work. This labour, however, only continued up to August 24; and from the moment of his admission to the Portland infirmary on that day he has never been subjected to any severe exertion. His employment, as he admits, has been changed from time to time at Woking by his own request, and has usually consisted of light work involving some active exercise, which Dr. Campbell regards as far more suitable than sedentary work for persons affected with piles. During 24 months of his imprisonment at Woking he has been an inmate of the infirmary, performing no work at all, but Dr. Campbell positively states that he is perfectly capable of hard labour, and would be put to it if he were an ordinary prisoner.

141. It would be obviously impossible for us to review his medical treatment in detail, still less can we undertake to pronounce an opinion upon the demeanour or manner of the medical officers and others whom he accuses of unfeeling conduct. We are satisfied, however, that neither Dr. Blaker nor Dr. Campbell is likely to have been consciously guilty of any such conduct; and we find no reason to doubt that he was treated, upon the whole, with due judgment and skill. In forming this conclusion we impute no deliberate misrepresentation to Roastree himself. Patients often conceive a very exaggerated estimate of their own symptoms, and very ill-founded notions of the appropriate remedies. It is very probable that under the depressing influence of prison life Roastree may believe, as he professes to do, that his constitution is utterly broken down by the consequences of *mala praxis* on the part of prison medical officers. But the result of our inquiries altogether negatives that impression, and convinces us that, unless he were at large, he could hardly be placed under conditions more favourable to health.

142. There are several minor grievances alleged by Roastree which fall within the scope of our remarks on the general treatment of the treason-felony convicts. Such are the deprivation of flannels during the first four days at Pentonville, the constant searching, and the nightly removal of body clothing at the same prison, and the rule of silence, which he represents to have been introduced for the special annoyance of the treason-felony convicts on the Portland works, but which, as we have been assured, was introduced without reference to them, and has since been abandoned. The restrictions to which he was subjected in communicating with his family appear to have been in strict accordance with the regulations which make that privilege dependent on a prisoner's position as to class, and recognize the suspension of it as a legitimate punishment. We have elsewhere commented on this feature of prison discipline; but an inspection of the prison documents, as well as of his own suppressed letters, shows that Roastree was not the subject of any exceptional severity in respect of letter writing. The penalty in respect of diet to which he was sentenced on one occasion appears, it is true, somewhat disproportioned to the offence, and might have called for some further explanation had it been actually enforced, whereas it was remitted the same day by the director, while on another occasion he was exempted from punishment on the interposition of the medical officer. The charge which he brings against a warder of having placed himself so as to overhear a conversation between him and the visiting priest completely broke down on careful inquiry.

Richard O'Sullivan Burke.

143. We have with very great care and anxiety inquired into the case of Richard Burke.

144. He was convicted at the Central Criminal Court in London on the 6th of April 1868, and was sentenced to 15 years' penal servitude. He was received into Newgate on the 6th of March 1868. We find by the statement of the medical officer, Mr. Gibson, that he was considered of sound mind on his removal from that prison. He was transferred to Millbank on the 2nd of May 1868, and was thence removed, after a sojourn of 16 days, to Chatham prison. Mr. Gover, medical officer of Millbank, states that Richard Burke did not manifest any peculiarities while in that prison in May 1868 such as to constitute in his opinion symptoms of insanity. He states that he saw him often, and at each visit found the prisoner writing, and so absorbed in thought that he scarcely

noticed his entrance into the cell. When questioned, he returned perfectly rational answers, although he was somewhat impatient as well as absent in manner.

145. From the 18th of May 1868, to the 10th of December 1869, Rickard Burke was an inmate of Chatham prison.

146. The medical officer, Dr. Burns, has been examined by us in regard to the mental and bodily health of the prisoner during the period just referred to. He states that he considers him to have been a strong, healthy man, and possessed of very remarkable intelligence. About May 1869, Dr. Burns states that he observed a decided change in Burke's demeanour immediately subsequent to a visit which he then received. He refused his food, and became peculiar in manner; Dr. Burns attributes this changed demeanour to malingering on the part of the prisoner, the origin of which he appears to trace to hopes of his release inspired by the parting words of his visitors, to the effect that they soon hoped to see him out of prison. Dr. Burns states that no reference to the prisoner's health was made at this interview. He finally states his opinion to be that the prisoner was labouring under hypochondriasis during the latter period of his location at Chatham prison.

147. On the 10th of December 1869, Rickard Burke was transferred to Woking invalid prison. He was under the charge of the principal medical officer, Dr. Campbell, until the 28th of March 1870. Dr. Campbell states that his opinion has been from the first, and still is, that the prisoner is of unsound mind. In a special report to the directors, under the date of December 21st, 1869, Dr. Campbell says, "The medical report" states that he has been losing flesh for some time, and that there was a decrease of "18 pounds on the 8th inst.; that he had delusions about his medicine containing "corrosive sublimate, and that poison had been introduced into his food, and that his "behaviour was otherwise uncertain." In January 1870, Dr. Campbell held two consultations, by the instruction of the directors, with the late Dr. Meyer, of the Broadmoor lunatic asylum, who visited and examined the prisoner at Woking on two occasions, January 3rd and 10th, 1870. This gentleman placed on record his opinion, which has since been made public, that Rickard Burke was then of unsound mind.

148. For the purpose of further observation the prisoner was sent to Millbank on the 28th of March 1870, and until the 1st of May 1870 was for the second time under the care of Mr. Gover, medical officer of that prison.

149. Mr. Gover has been examined by the Commissioners, and he stated that, while he could not affirm that the prisoner was then of sound mind, he was not prepared to say that he was insane.

150. The prisoner was sent back to Woking on 1st May 1870, and has been since under the care of Dr. Campbell.

151. Dr. Campbell has been repeatedly examined by us, and his opinion, at all times the same, is given in his final answer on August 13th, 1870, that he considers Rickard Burke to be of unsound mind. This opinion as he informs us he repeated to the directors in August 1870, in a special report.

152. We have ourselves at our visits to Woking on three separate occasions had interviews with Rickard Burke. We have taken the evidence, as to his general state, of the warder specially in charge of him, who states that he always considered him of unsound mind, and who gave evidence as to the kind and amount of food used and returned by the prisoner. We obtained a record of the food he has returned unused. We have examined treason-felony convict Thomas F. Bourke, who is stated to have most influence over the prisoner, and whose statements in regard to him will be found in the minutes of evidence.

153. Captain Harris, Deputy-Governor, and from the time of the sitting of the Commission Acting-Governor, of Woking prison stated in his evidence that Rickard Burke was not, in his opinion, of sound mind, or in a fit mental state to give evidence before the Commission. The same opinion was expressed by the Rev. Mr. O'Leary, the visiting priest.

154. In view of all the circumstances of this very peculiar and painful case, we thought it right at our sitting of August 13th, 1870, to read to Captain Harris a resolution which the Commission had arrived at, that it would be desirable that Rickard Burke should be placed in association with some of the treason-felony prisoners who are known to have influence with him.

155. We have finally to report that, so far as we have had opportunity of forming a judgment, we are of opinion that a treason-felony convict Rickard Burke is not of sound mind, and that his case demands the immediate consideration of the authorities as to his future location and treatment.

156. We have also to call attention to the opinion of Dr. Campbell who thinks that it would be advisable to remove the prisoner from Woking.

157. As some misapprehension has arisen in regard to the location of this prisoner at a particular date, we have inquired into all the circumstances of his removal from one prison to another, and have procured special certificates of his custody from day to day during the whole period in question; and we have to report that he was not, as stated by mistake in an official letter of February 24th, 1870, at any time an inmate of Broadmoor asylum for criminal lunatics.

David Downing Mulcahy.

158. This prisoner was convicted at Dublin on the 20th of January 1866, and was sentenced to 10 years penal servitude. Having been received into Mountjoy prison on the 19th of January 1866, he was transferred to Pentonville on the 10th of February 1866. He was removed to Portland on the 14th of May 1866. On the 15th of November 1866 he was re-transferred to Mountjoy prison, whence he was sent to Millbank, the 1st of December 1866. He was again sent to Mountjoy prison on the 16th of January 1867, brought back to Millbank on the 26th of January 1867, transferred to Dartmoor on the 8th of February 1867, and finally invalided to Woking on the 11th of May 1867.*

159. He is 30 years of age, 6 ft. 1½ in. in height, and is stated on his prison record to have been a student of medicine. He weighed on his reception at Pentonville 170 lbs., and at Woking, on May the 16th, 1870, 155. He has thus lost weight to the extent of 15½ lbs.

160. This prisoner has been on three occasions before us, but as he finally declined to make any statement embodying specific complaints as to his treatment while in convict prisons, we are in a position to report only on such matters as have been brought under our notice in regard to him in the general allegations preferred on behalf of the treason-felony convicts.

161. When removed to Portland he was returned as fit for "hard labour," and was placed to work at stone-dressing. While so engaged he was attacked by blood-spitting, and we find it officially recorded that on two occasions, the 21st and the 23rd of July 1866, he was labouring under hæmoptysis. He further complained of cough, and was seen and prescribed for at intervals up to September the 7th by Dr. Basson, then assistant surgeon to the prison. He was kept at work during this period, and having regard to the nature of the work upon which he was so employed, and the occurrence of blood-spitting on two occasions, we cannot consider that he was fit to be continued at hard labour, or that due care and caution were exercised in his regard.

162. It is further alleged that in Portland prison this prisoner was served with tainted soup, and that on one occasion he found the entrails of a fowl, and on another a mouse, and "other vermin," in the diet served to him. We have fully considered this charge, in connexion with others of a similar character. The prisoner during his stay in Millbank is recorded to have had "occasional slight cough;" he states that the medical officer, Mr. Gover, examined his chest and informed him that his right lung was weak and that he had abdominal breathing. Mr. Gover, when examined, could not recall this circumstance, and the medical case sheets show no such entry.

163. On his arrival at Dartmoor, he was reported by the medical officer as fit for, and was put on, full labour. He was placed at work on the moor, his occupation being that of treeing and clearing land. It is alleged that he was compelled to carry slabs of stone on his back; and although this is stated by the governor to be contrary to the rule and practice of the prison, we find the allegation fully corroborated by the evidence of principal warder Hodge, who states that it was and is usual to direct prisoners to carry stones on their backs, not, however, on their bare backs, and that he remembers to have seen Mulcahy carry slabs of stone on his back.

164. It does not appear that any well-defined limit exists as to the weight or size of the stone which the prisoners may carry on their backs, though we were informed that no prisoner would be compelled to carry a heavy stone if he should object to do so.

165. After about three weeks at full labour this prisoner's health gave way. The medical notes of his case taken at this period by Mr. Ascham, then medical officer of the prison, have been accidentally mislaid. It is alleged that the prisoner suffered from hæmorrhage from the lungs. He appears to have spent about half his time in this prison in hospital in consequence of the blood-spitting, and on the representation of the medical

* The several transfers to Mountjoy and Millbank were rendered necessary by the proceedings upon a writ of error in the Court of Queen's Bench in Dublin, and before the House of Lords.

officer the then governor, Captain Stopford, wrote a report to the directors, and requested "that he should be removed, for the climate might not agree with him." Captain Stopford further adds that Mulcahy while at Dartmoor was never reported for misconduct, nor ever punished. He was invalided to Woking in May 1867, the ground of invaliding being hæmoptysis.

166. It is alleged that during a period of 10 weeks he was unable to consume more than 20 ozs. of solid food daily, and that during this time no sufficient inquiry was instituted by the medical officer as to the cause of his rejecting or not using his food. As the prisoner did not furnish the dates in reference to this charge, and as he finally declined to submit any detailed statement to the Commission, we had no opportunity of going into the particulars of this allegation.

167. The same may be said in reference to the general allegations that he frequently suffered from dyspepsia, diarrhoea, rheumatism, and neuralgia, that he was subject to punishment in consequence of his evidence given before Messrs. Pollock and Knox, and that in the month of February of the current year he suffered much from keen blasts and insufficient clothing.

Brian Dillon.

168. Brian Dillon, described as a law clerk, is a very weak and deformed man, of middle age, and delicate appearance.

169. He was tried at Cork before a special commission on the 14th of December 1865, and sentenced to 10 years' penal servitude. He was removed to Mountjoy prison on the same day. He was transferred to Pentonville on the 16th of January 1866, and he was removed to Woking invalid convict prison on the 11th of April 1866.

170. His weights at different periods of his imprisonment were as follows:—

| | st. | lb. |
|--|-----|------|
| On reception, Pentonville, 16th January 1866 | - | 7 9 |
| 26th August 1869 | - | 8 0 |
| 1st December 1869 | - | 8 0 |
| 27th September 1869 | - | 8 0 |
| 16th May 1870 | - | 7 9 |
| 13th August 1870 | - | 7 4½ |
| Height, 4 feet 10 inches. | | |

171. Dillon laid before us a very voluminous statement. He had been allowed ample time for preparing it, and was subsequently examined orally by us. Some of the complaints contained in the statement appeared to be satisfactorily answered by subsequent passages in the same document. Some referred to the cases of other prisoners which we did not feel to be within the scope of our inquiry. All the more important charges were made the matter of careful inquiry by the oral examination of Dillon and of all who could give relevant testimony.

172. Dillon's complaints may be classified under several heads:—

173. *Discipline.*—Dillon, in common with other treason-felony prisoners, complains of the naked searches to which he was subjected at Pentonville, which he describes as having been of a very minute and offensive character. He also states as a grievance that when at Pentonville he was obliged to put out his clothes and cell furniture at night. On both these subjects we have already expressed our opinion in our general remarks.

174. Dillon in many parts of his statement complains of the nature and amount of his work. He says that at Pentonville "the long working hours, from 6 in the morning till a quarter to 8 at night, during which he sat at a table sewing," contributed to shatter his health. We must point out that in this statement no account is taken of intermissions for meals and exercise.

175. He states that in the winter of 1867, when at Woking, he was placed to clean a heap of frozen bricks partly covered with snow, and that he suffered much from the cold. From this work, however, he was at his own request removed to the carpenters' shop, where he remained till taken into hospital, on the 21st of February 1868.

176. He states that when discharged from hospital, and still very weak, he was employed to cut bricks in a narrow wooden shed, that the weather was very cold, and that it was necessary to keep the bricks soaking in water. In the summer of 1868 he had to work, he states, when suffering from dysentery, under intense heat, hoisting up bricks by a rope and wheel, and exposed to continual danger by the falling of bricks from the scaffolds.

177. We feel bound to say that some of the work on which Dillon appears to have been from time to time employed was of a nature hardly suitable to his delicate and deformed frame. His weight is 7 stone 4½ lbs., his height is 4 feet 10 inches, and the

delicacy of his constitution is clearly shown by his personal appearance, and by his frequent admissions to hospital, especially during the last two years. Dillon's condition, at the time of our visits, in consequence of an accidental fall, appeared to be such as to render him incapable of any manual labour. He is hardly able to walk without assistance.

14,352.
14,353.

178. Dillon complains that on his passage from Ireland much suffering was unnecessarily inflicted upon him by being handcuffed with another prisoner affected with sea sickness and diarrhoea, from whom he was not allowed to be even temporarily separated. We have referred to this subject in our general observations.

1107.

Paragraph 45.

179. He also complains that on his arrival at Pentonville he got nothing to eat but bread and cheese. The statements on this point are conflicting. The governor and steward state that hot gruel and bread and cheese were issued for all the treason-felony prisoners. The warders generally state that the prisoners were served with hot gruel and bread, but no cheese.

1104.
15,401, &c.

180. Dillon alleges further that, it being the custom to read aloud to the prisoners in the working shed from books selected by the scripture readers, passages were read which were "offensive to Roman Catholics and Irishmen." It appears, however, by Dillon's statement, that upon appeal being made to the board of directors, "the readings were thenceforth stopped."

14,503.

181. He further states that at Pentonville he was forced to bathe in water rendered foul by having been used by other prisoners. Having inquired into the facts, we found this to be substantially true. We have already commented on this practice.

1132.
Paragraph 23

182. *Charges against Officials.*—Charges against the medical officers constitute the bulk of Dillon's complaints, both written and oral. They extend from his arrival at Pentonville, January 1866, to the date of our visit. Considering the general delicacy of the convict, we have felt it our duty to look with peculiar care into these allegations.

183. It does not appear to us that Dillon's statement with regard to the medical treatment which he experienced during the three months passed at Pentonville call for any remark except this, that it is evident that even at that early period of his imprisonment his health was infirm. A nervous and weakly prisoner expects more individual attention than a large prison can supply, and is apt to attribute his sufferings to the neglect or unkindness of the medical officers.

184. Dillon was removed to Woking invalid prison in April 1866. The medical officers of that prison were Dr. Campbell and Dr. Wilson.

185. Dillon's statements with respect to Dr. Wilson are few. He states that Dr. Wilson, having examined him with the stethoscope shortly after his arrival at Woking, told him that his left lung was not exactly clear, and subsequently gave him medicines which did not agree with him. An examination of the medical case sheets, however, shows that medicines of the usual description were supplied to him.

1113.

186. Dr. Campbell has been frequently examined before us, and we willingly express the high opinion which we entertain of him as a careful, diligent, and humane medical officer.

187. Dillon's own statement contains conclusive evidence to prove that on many occasions Dr. Campbell treated him with attention and humanity; but we are bound to remark that a man who, at the commencement of his prison life, was pronounced by the assistant medical officer to be capable of doing a little light work, seems to have been long employed at work of a laborious description, and under much exposure to heat and cold, and this at a period when he was a frequent applicant for medical relief. This occurred in the summer of 1868. On the 6th of August in that year, he was, after several applications, admitted to hospital.

1142, 1143.
1175.
14,363.
14,465.

188. Dillon complains of insulting language on the part of warders. In particular he cites the case of Warder Scott, September 1869. The complaint was reported to the governor, who received it and investigated it. He also brings charges of a similar nature against Warders Scamwell and Wakeland, but he does not seem to have thought it necessary to bring them before the governor.

14,564.
14,543.
24,551.

189. It is not impossible that the inferior officers of a prison may occasionally lose their temper and use impatient or even offensive language to the prisoners under their charge. Such conduct, however, would be reprehensible and unmanly, and we have received the assurances of the several governors that, if proved, it would be most severely punished.

190. *Clothing.*—Dillon states, that on his arrival at Pentonville in January 1866, from Mountjoy, he was stripped of his Mountjoy clothing and supplied with a Pentonville suit, in which flannels, such as he had habitually worn, were not included. A reference to this matter of complaint is to be found in our general observations.

1104.
Paragraph 22.

8194.

191. *Location.*—Dillon asserts that his cell at Pentonville was very cold. We have had no opportunity of personally observing the temperature of the cells in winter, but, judging from the official records of the prison, we see no reason for believing that they are not sufficiently warm for the maintenance of health in ordinary seasons.

192. Having regard, however, to the elevated and exposed position of some of the prisons, we think that the attention of the officials should be directed in severe winter to the possible necessity for additional bedclothes, especially in the case of delicate prisoners.

193. One of the most frequent complaints put forward by Dillon, as well as by other treason-felony prisoners, is that he was associated with ordinary convicts. We make this most important subject a matter of observation in our general remarks.

14,518,
14,569.

194. Pending our sittings, a circumstance occurred to which we think it right shortly to advert. In the month of July 1870, a dispute arose between Dillon, then in hospital, and his infirmary nurse. Dillon brought the case before Dr. Campbell. Dillon at this time occupied a small infirmary room together with two other treason-felony convicts, E. Power and D. Mulcahy. A conversation between him and Dr. Campbell occurred, his version of which is given in his evidence. Dillon says that Dr. Campbell's manner was insulting, and meant to intimidate, but we do not see any grounds for this charge. Power interfered, saying to Dr. Campbell that "he was treating the man inhumanly." Dr. Campbell then directed the warder to report Dillon and Power. Mulcahy does not seem to have interfered. Power was reported, Dillon was not. Shortly afterwards Dillon, Power, and Mulcahy were removed from their common dormitory and placed in separate cells in B ward. The removal took place the day after Dillon had handed to the Commissioners his written statement of charges, and is attributed by Dillon to his having taken that course. The change from a common dormitory to a separate cell was undoubtedly in the present instance felt by them to be a privation. We regret that the change should have been made in the case of three prisoners, one of whom was under report for a charge not yet investigated; another, though a party to the transaction, had not been reported; and the third appears to have taken no part. But we do not believe that the governor, in making the change, was at all influenced by the fact of Dillon's having laid complaints before the Commissioners.

14,548,
14,566.

195. *Letters.*—Dillon complains that on his arrival at Pentonville he was treated with exceptional severity in not being allowed to write his "reception letter." It was stated to us by the Governor, Mr. Lewis, that he had thought it proper to apply for instructions before he permitted Dillon to write; that, immediately on receiving them, he communicated to Dillon that he was at liberty to write his reception letter; and that he was so permitted within the month allowed by the usual prison regulations for writing such letter. Dillon complains that the governor has erased portions of his letters to his friends at Woking, without letting him know that he had done so. We believe this is not unfrequently done. A letter written to Dillon, on the 3rd of April 1869, was suppressed, and bears the following indorsement, "suppressed by director, the prisoner not to be informed." In our general remarks we have commented upon the practice of suppressing letters, or parts of letters, without informing the writers of the fact and of the reason.

Paragraph 33.

Paragraph 82-95.

196. *Diet.*—Dillon complains in detail of the diet at Woking. We have carefully inspected the food in that as in other prisons, upon more than one occasion, and have dealt with the subject in our general observations.

8112.

197. *Other complaints.*—On the change in prison clothing from trousers to knickerbockers at Woking, in the winter of 1866-7, Dillon states that, suffering much from cold, he applied to Dr. Campbell for flannel coverings for his legs, and that Dr. Campbell replied that the change was made by the directors, and that he had not any power to order such coverings. Dillon put down his name in the ordinary way to see the director, and informed the governor that his reason for doing so was that he intended to ask for flannel coverings for his legs, as he suffered from rheumatism. He states that the governor then read for him from the doctor's application book Dr. Campbell's remark on his application in the following terms "Not required," and continued, "I can't let you see the director; if I did he would only refer the matter to Dr. Campbell, and he has already decided against you. . . . The governor, as Dillon alleges, persisted in his refusal to let him see the director, and he did not see him.

198. Captain Bramley informs us that he cannot afford accurate information as to this incident. He adds, "I can state that it has always been my practice to recommend a prisoner, more particularly of the class under discussion, to see the director if he felt aggrieved at any decision. It is, however, very possible that I may have told Dillon that, under the circumstances, it would be useless his seeing the director. I have no hesitation in saying that I dare not refuse a prisoner access to the director."

199. Dillon was subsequently allowed the additional covering for which he asked. We are, however, of opinion that the medical officer should possess an absolute power of ordering any exceptional clothing which he considers necessary for health, pending a reference to the prison authorities.

200. A considerable part of Dillon's complaint refers to the treatment of other prisoners. He especially dwells on the case of treason-felony convict Lynch.

201. When Lynch died an inquest was held, at which his prison treatment was considered. Dillon stated before the coroner that Lynch attributed his illness to being deprived of flannels at Pentonville, and that he believed him to have been treated very well by Dr. Campbell at Woking. The coroner's jury returned a verdict of "death from natural causes," and it would be manifestly improper for this Commission, even if legally competent, to re-open the investigation of this case, after a long lapse of time and in the absence of the contemporaneous evidence adduced at the inquest.

202. We have now carefully gone through such of the charges contained in Dillon's paper and oral evidence as we considered of a nature to demand investigation and report from us.

203. Having thus expressed our opinion upon those of the particular allegations made by the several prisoners which we have thought it necessary to deal with specially, we proceed to state our general conclusion on the second head of our inquiry.

204. After a patient and minute investigation, we do not find any ground for the belief that the treason-felony prisoners in English prisons have, as a class, been subjected to any exceptionally severe treatment, or have suffered any hardships beyond those incidental to the condition of a prisoner sentenced to penal servitude.

205. It appears, on the contrary, from the evidence of prison officers, confirmed in certain cases by the evidence of the prisoners themselves, that the prison authorities have sanctioned from time to time certain relaxations of convict discipline in their favour.

206. They have for the most part been formed into separate working parties, and have seldom been associated in labour with other convicts except by way of punishment; they have generally been placed in cells of a superior class; the ordinary restrictions on writing and receiving letters have been often relaxed on their behalf; their diet is slightly better, and their enforced labour is lighter, than in the case of other prisoners under similar sentences. At both Woking and Chatham we learnt that this is the case, and at Portland we saw all the prisoners of this class placed on the public works under a separate shed, apart from the other prisoners, under the charge of a warder, and, as we were informed, allowed to remain there without doing any work at all.

207. It is perhaps inevitable that men in the position of the treason-felony prisoners should resent the degrading though ordinary incidents of convict discipline with peculiar impatience, and the more so if they have received a good education and filled respectable positions in life. The treason-felony convicts have, in fact, never ceased to protest against being classed with criminals, as a moral degradation, and every privilege, however trifling, which they have succeeded in obtaining, has but confirmed their belief in the justice of this demand. Some have nevertheless accepted their lot with resignation, and consistently abstained from any breach of prison rules. Others, brooding, it may be, over the supposed injustice of their sentence, appear to have manifested at the outset a spirit of insubordination, which it was the duty of the prison authorities to repress, though we have already had occasion to remark that, in one notable instance, an opportune remission of punishment, accompanied with a few kindly words of remonstrance, was followed by a marked improvement in conduct which coercive measures had altogether failed to produce. The majority, however, of the treason-felony convicts have seldom, if ever, incurred serious punishment.

208. We have given due consideration to all the other allegations which have been brought under our notice, and have dealt with them in detail in former paragraphs, pointing out in each instance how far, in our opinion, they have or have not had any foundation in fact. There are certain incidents of treatment which we have commented upon with disapprobation in our remarks upon the cases of individual prisoners, but we have no reason to believe that in any of these instances the conduct of the prison authorities was influenced by the fact that the prisoners were treason-felony convicts.

209. A further question was forced on our attention in the course of our inquiries, though it does not strictly fall within the letter of our instructions. It is the question whether prisoners convicted of a crime so exceptional in its nature that it has been thought right to modify prison discipline in their case to a certain extent, might not with advantage be more completely separated from the general body of convicts. We cannot

507, 2134, 2661, 2678.
2681, 4039, 3235.
11,258.

26, 27, 2136, 3421.
3231, 2764, 3464,
11,258, 11,144.

49, 181, 2277, 3351.
2758, 3109.

2628, 3679, 10,263.
40, 42, 67, 156, 165,
125, 220, 2300, 3105.
11,455, 10,215,
10,261, 10,256.
276, 3463, 3465,
2003, 2081, 209.

374.
1234, 2048,
3219, 4434.

be insensible to the difficulty, not always unattended with danger, of allowing any exceptional indulgences to a few individuals in the midst of a large prison population. Bearing this in mind, we are led to the conclusion that the difficulties attendant upon the location and treatment of political offenders, may perhaps be most readily and effectually overcome by setting apart from time to time a detached portion of some convict prison for prisoners of this class, and we recommend this subject to the consideration of Her Majesty's Government.

We remain, Sir,
Your obedient humble servants,

DEVON
GEORGE C. BRODRICK.
STEPHEN E. DE VERE.
ROBERT D. LYONS.
R. HEADLAM GREENHOW.*

3, Parliament Street, September 20, 1870.

* Subject to the separate Memorandum appended hereto, page 38.

LIST OF MEETINGS OF THE COMMISSION.

The Meetings of the Commission were held at the following times and places:—

| | | | |
|--------------|-------------------------------|---|--|
| 1st Meeting, | Thursday, May 24, 1870 | - | - 6, Westminster Chambers, Victoria Street. |
| 2nd " | Thursday, May 25, 1870 | - | - 3, Parliament Street. |
| 3rd " | Friday, May 27, 1870 | - | - 3, Parliament Street. |
| 4th " | Saturday, May 28, 1870 | - | - Convict Prison, Pentonville. |
| 5th " | Monday, May 31, 1870 | - | - Convict Prison, Millbank. |
| 6th " | Wednesday, June 3, 1870 | - | - Powderham Castle. |
| 7th " | Thursday, June 3, 1870 | - | - Powderham Castle. |
| 8th " | Friday, June 10, 1870 | - | - Convict Prison, Dartmoor. |
| 9th " | Saturday, June 11, 1870 | - | - Convict Prison, Dartmoor. |
| 10th " | Monday, June 13, 1870 | - | - Convict Prison, Portland. |
| 11th " | Thursday, June 13, 1870 | - | - Convict Prison, Portland. |
| 12th " | Thursday, June 16, 1870 | - | - 3, Parliament Street. |
| 13th " | Friday, June 17, 1870 | - | - 3, Parliament Street. |
| 14th " | Saturday, June 18, 1870 | - | - 3, Parliament Street. Adjourned to the Convict Prison, Woking. |
| 15th " | Tuesday, June 21, 1870 | - | - Convict Prison, Woking. |
| 16th " | Thursday, June 23, 1870 | - | - 3, Parliament Street. |
| 17th " | Thursday, June 28, 1870 | - | - 3, Parliament Street. |
| 18th " | Wednesday, June 29, 1870 | - | - Convict Prison, Woking. |
| 19th " | Thursday, June 30, 1870 | - | - Convict Prison, Woking. |
| 20th " | Friday, July 1, 1870 | - | - 3, Parliament Street. |
| 21st " | Monday, July 4, 1870 | - | - Convict Prison, Chatham. |
| 22nd " | Tuesday, July 5, 1870 | - | - Convict Prison, Chatham. |
| 23rd " | Wednesday, July 6, 1870 | - | - Convict Prison, Woking. |
| 24th " | Thursday, July 7, 1870 | - | - Convict Prison, Woking. |
| 25th " | Friday, July 8, 1870 | - | - 3, Parliament Street. |
| 26th " | Tuesday, July 13, 1870 | - | - Convict Prison, Chatham. |
| 27th " | Wednesday, July 20, 1870 | - | - Convict Prison, Chatham. |
| 28th " | Thursday, July 21, 1870 | - | - Convict Prison, Chatham. |
| 29th " | Friday, July 22, 1870 | - | - Convict Prison, Woking. |
| 30th " | Saturday, July 23, 1870 | - | - 3, Parliament Street. |
| 31st " | Monday, July 25, 1870 | - | - Convict Prison, Chatham. |
| 32nd " | Tuesday, July 26, 1870 | - | - Convict Prison, Chatham. |
| 33rd " | Wednesday, July 27, 1870 | - | - Convict Prison, Chatham. |
| 34th " | Thursday, July 28, 1870 | - | - 3, Parliament Street. |
| 35th " | Monday, August 1, 1870 | - | - Convict Prison, Woking. |
| 36th " | Tuesday, August 2, 1870 | - | - 3, Parliament Street. |
| 37th " | Thursday, August 4, 1870 | - | - 3, Parliament Street. |
| 38th " | Friday, August 5, 1870 | - | - 3, Parliament Street. |
| 39th " | Saturday, August 6, 1870 | - | - 3, Parliament Street. |
| 40th " | Monday, August 8, 1870 | - | - 3, Parliament Street. |
| 41st " | Tuesday, August 9, 1870 | - | - 3, Parliament Street. Adjourned to the Convict Prison, Millbank. |
| 42nd " | Thursday, August 11, 1870 | - | - 3, Parliament Street. |
| 43rd " | Friday, August 12, 1870 | - | - Convict Prison, Woking. |
| 44th " | Saturday, August 13, 1870 | - | - Convict Prison, Woking. |
| 45th " | Monday, August 15, 1870 | - | - Convict Prison, Pentonville. |
| 46th " | Tuesday, August 16, 1870 | - | - 3, Parliament Street. |
| 47th " | Monday, August 23, 1870 | - | - 3, Parliament Street. |
| 48th " | Friday, August 26, 1870 | - | - 3, Parliament Street. |
| 49th " | Monday, August 29, 1870 | - | - 3, Parliament Street. |
| 50th " | Tuesday, August 30, 1870 | - | - 3, Parliament Street. |
| 51st " | Wednesday, August 31, 1870 | - | - 3, Parliament Street. |
| 52nd " | Thursday, September 1, 1870 | - | - 3, Parliament Street. |
| 53rd " | Friday, September 2, 1870 | - | - 3, Parliament Street. |
| 54th " | Monday, September 5, 1870 | - | - 3, Parliament Street. |
| 55th " | Tuesday, September 6, 1870 | - | - 3, Parliament Street. |
| 56th " | Wednesday, September 7, 1870 | - | - 3, Parliament Street. |
| 57th " | Thursday, September 8, 1870 | - | - 3, Parliament Street. |
| 58th " | Friday, September 9, 1870 | - | - 3, Parliament Street. |
| 59th " | Monday, September 12, 1870 | - | - 3, Parliament Street. |
| 60th " | Tuesday, September 13, 1870 | - | - 3, Parliament Street. |
| 61st " | Wednesday, September 14, 1870 | - | - 3, Parliament Street. |
| 62nd " | Thursday, September 15, 1870 | - | - 3, Parliament Street. |
| 63rd " | Tuesday, September 20, 1870 | - | - 3, Parliament Street. |

Report on the Case of J. O'D. Rossa, by Dr. Lyons.

London, Sept. 10, 1870.

WHILE I fully concur in, and have appended my signature to, the general Report of the Commission, which includes the case of this prisoner, I think it necessary to call attention in a more especial manner to certain parts of it, and to some considerations of very grave importance which appear to me to arise thereon.

It is necessary to premise, that whereas the assault on the Governor of Chatham Prison by O'Donovan Rossa took place about noon, on the 16th of June 1868, he was not manacled until 8.50 a.m. on the 17th, a lapse of nearly 19 hours. If handcuffs are a means of "restraint" and not of punishment, I fail to recognise the propriety of their use after such an interval, unless called for by a renewed act of violence, which has not been established in this case.

In view of rule 15, hereafter cited, which limits the power of a Governor in the imposition of Manacles to a period of 72 hours without the written order of a Director, I am of opinion that it was beyond the competence of the Governor or Deputy-Governor of Chatham prison to keep the prisoner in handcuffs day after day, from 17th June to 1st July 1868. No renewed acts of violence demanding the continuous employment of Manacles as a measure of restraint, for which purpose only does their use appear to be enjoined and justified by the prison rules, are recorded against the prisoner in that interval. No written or other instruction from a Director to authorize the continuous handcuffing of this prisoner within the days above named has been produced to the Commission, and it was not until 1st July that the prisoner was tried by a visiting Director. The prisoner asserts, and in this he is not contradicted, that the Handcuffs were removed when he was brought before the Director on that day. It is not on record that he had attempted to commit any act of violence since the 16th of June. It is even admitted by the warders that he submitted quietly to the daily imposition of the Manacles. He was notwithstanding ordered by the Director "to be kept in handcuffs" apparently for an indefinite period, as no time is specified. Having regard to the fact that the offence for which he was tried had been committed fifteen days previously, and that no new act of violence is recorded against him in the interval, as also to the consideration that Handcuffs are enjoined to be used as a measure of restraint only, I am of opinion that the Director on this occasion acted *ultra vires* in ordering the prisoner "to be kept in handcuffs," and that this was an arbitrary and unjustifiable exercise of authority, and that the order itself was defective inasmuch as it did not "Specify the cause thereof, and the time during which the prisoner is to be kept in irons." In the confirmation of the sentence by the Chairman of Directors on 7th July no allusion is made to the Handcuffs.

The sentence at the trial on 1st July, ordering amongst other things that he "be kept in handcuffs" was not confirmed by the Chairman of Directors until 7th July, and it was not communicated to the prisoner until the 20th July, on which last-mentioned day only that part of the same sentence of the 1st July which ordered 28 days punishment diet and six months penal-class diet, commenced to take effect.

I have, therefore, to report that in my opinion both the Governor and the visiting Director exceeded the power and authority entrusted to them, by keeping this prisoner in Handcuffs, under the circumstances above referred to, from 17th June to 20th July, and I further desire to add that it is much to be regretted that more prompt action was not taken by the Directors to secure a speedy trial in a case of such gravity, as pending his trial and the carrying into effect of his sentence the prisoner was kept under the most rigorous restraint, which in itself constitutes a very severe form of punishment, although, as I am fully aware, it is not technically so regarded in prison discipline.

Governor's Powers.

"15. In a case of absolute necessity he" (the governor) "may put a prisoner in irons, not as a punishment but only as a restraint, such irons, however, not to be continued on an offender for a longer period than 72 hours without the written order of a director, speci-

fying the cause thereof, and the time during which the prisoner is to be kept in irons which order shall be preserved by the governor as his warrant."

See rule No. 15, p. 10. of the Rules and Regulations for the Government of the Convict Prisons. Approved by the Secretary of State for the Home Department. 1858.

Director's Powers.

" 11. In cases of necessity a director may, by order in writing, direct any prisoner to be kept in irons, such order to specify the cause thereof, and the time during which the prisoner is to be kept in irons. The irons on ordinary occasions to be common handcuffs."

See rule 11, p. 5. of the Rules and Regulations for the Government of the Convict Prisons. Approved by the Secretary of State for the Home Department. 1858.

Defence of Prisoner ROSA.

" Declines to make any defence except in writing."

Sentence on Prisoner.

" COLONEL HENDERSON,

" This prisoner is without doubt guilty of the very foul and insubordinate conduct alleged in the charge. The governor of Chatham prison is, as is well known, as temperate and judicious a person as it is possible to find; the officers in immediate charge of the department in which the prisoner is are selected for their judgment and fidelity; nevertheless he is, as stated in the evidence, and as his misconduct- sheet shows, constantly committing acts of insubordination and resistance towards his officers, and every available punishment has been tried in his case without effect, nor does kindness have any better influence upon him. He would in the ordinary course be punished for the offence he has committed by flogging, but it is thought that this punishment should not be inflicted without special authority. If it should not be thought advisable to inflict it, I can only suggest that he should be sentenced to 28 days punishment diet in close confinement, and be placed in the penal class for six months; also that to prevent the chance of his repeating outrages of this description on the officers of the prison who are obliged to visit him, all moveable articles and utensils be removed from his cell, and whatever is necessary being made a fixture, and that he be kept in handcuffs in the daytime. It is for consideration whether the prisoner should be allowed to remain in this prison, after having committed such an outrage on the governor, especially if it was decided that the usual punishment for such offences shall not be inflicted.

" (Signed) E. F. DU CANE.

" 1/7/68."

" I am unwilling to resort to corporal punishment in the case of this man, whose conduct savours of imbecility, except in the last resource. Carry out the director's punishment, 28 days' punishment diet in close confinement, and six months' penal class, and remove all moveable articles from his cell.

" (Signed) E. G. W. HENDERSON.

" 7/7/68."

I may be here allowed to observe, that having carefully considered the Acts of Parliament, as well as the Standing Orders and the Rules and Regulations for the Government of Convict Prisons, supplied for the information of the Commission by the Directors, I have not been able to find, and the Prison Department has not succeeded in producing to me Statutory authority for the powers exercised by the Directors of ordering Manacles to be imposed, for, apparently, indefinite periods, and leg-irons, 4½ to 6 lbs. weight, for a period of six months.

I desire further to remark, that the powers deputed by the Directors to Governors, by Standing Order No. 325, of imposing Manacles for a period of 72 hours, are largely in excess of those granted by Act of Parliament to "the Gaolers" of county and other prisons. The Act 2 & 3 Vict. c. 26, in part repealed, limited the Gaoler's power, as to irons, to 24 hours. "The Prison Act, 1865," expressly limits the powers of "the Gaoler" in the imposition of irons to 24 hours without an order in writing from a visiting Justice, see 28 & 29 Vict. c. 126, sch. 1. No. 59).

As a constitutional principle of great importance is here involved, I beg leave to recommend that the whole question be referred to the Law Officers of the Crown, with a

view that if it should be found necessary, the Powers to be entrusted to the Directors of Convict Prisons may be more clearly defined by Act of Parliament.

I have very fully considered all the charges which this prisoner has brought forward. He candidly admits himself that he has committed numerous prison offences. Some of these have been of considerable gravity, and necessarily entailed, in accordance with prison rules, severe punishments, and the employment of measures of restraint; others of the charges against him have been of a less important character, and I am not satisfied that in certain instances, as, for example, that in connexion with coir picking at Millbank, in July 1867, it was proper to punish him at all.

On various grounds, and in different prisons, O'Donovan Rossa was awarded a very unusual amount of prison punishment during the first three years of his imprisonment. He asserts, and is substantially borne out by the prison records, that he has undergone 123 days of bread-and-water punishment diet, 231 days of penal-class diet in a darkened cell, 28 days in the absolutely dark cell, and that he has been, in all, on 39 days in handcuffs. He admits that he acquired a bad prison character, but he attributes the attitude of resistance to prison discipline which he assumed to the manner and conduct of the authorities towards him. It is, I think, but just to him to add that during a long period when he was almost constantly undergoing report and punishment, his applications to the Governor and the Secretary of State show him to have been frequently asking for books of instruction. It is also worthy of remark that the almost continuous employment of bread-and-water punishment diet in the case of O'Donovan Rossa in the months of May and June 1868, did not prevent him from committing the assault, already referred to, on the Governor, on the 16th June, that the handcuffing which followed from 17th June to 20th July in punishment cell did not prevent him when liberated from committing a further offence, for which he was after an interval of two hours and a quarter again put in handcuffs for two days, and that the infliction of 28 days bread-and-water punishment diet, carried out from 20th July, did not prevent him from committing additional offences, for which he was further reported, and tried by the visiting Director in October 1868. The marked and immediate effect of the few well chosen words of Captain Du Cane, accompanied by a total remission of the punishments undoubtedly incurred by the prisoner's conduct, show in well-defined contrast the influence of moral agency, as against the failure of long-continued measures of coercion, accompanied with a total of more than 40 days bread-and-water diet, spread over the period from May 1st to October 1868. Since the interview of Captain Du Cane with treason felony convict J. O'Donovan Rossa in October 1868, this prisoner has on only one occasion incurred serious report.

I am of opinion that a more discriminating treatment of this prisoner by some of those under whose authority he has been placed would have been in all probability attended with more satisfactory results as to his prison history. But, subject to what has been already specially reported, I have to observe that the officials referred to had no alternative open to them, as their first duty is to carry out the ordinary rules of discipline in regard to those submitted to their charge by superior authority. The signal failure of all repressive measures in this case, furnishes a most forcible illustration of the necessity of separating prisoners of this class from ordinary criminals. Such a conspicuous and successful defiance of discipline is in itself a scandal of prison life, and a most dangerous example to the other convicts. As the consciousness of guilt breaks the spirit of the ordinary convict committed for a crime which involves moral turpitude, and all the more readily if he have been, as sometimes happens, a man of education or position, he recognizes at once and submits to the dictates of prison discipline. But the political prisoner, purely such, is, on the contrary, led to a higher and even exaggerated sense of his position by confinement in association with ordinary criminals. He considers that his sufferings ennoble his acts, and he rebels against prison rule.

The history of the case of J. O'Donovan Rossa in itself furnishes a cogent argument in proof of the necessity of dealing otherwise than as at present with the class of prisoners to whom he belongs. This is a subject to which the Commission has already specially alluded.

ROBERT D. LYONS.

I am of opinion that more frequent and strict supervision of warders in charge of refractory or imbecile prisoners is required, to prevent the possibility of unnecessary force or violence being employed whenever resistance is offered by a convict to the officer in authority over him.

ROBERT D. LYONS.

My Lord,

Loudon, October 31, 1870.

I HAVE the honour to transmit to you herewith the Memorandum which, as you are aware, on occasion of signing the Report on the Treatment of Treason-felony Convicts in English prisons, I reserved to myself the right of appending to it.

It was with great regret that I found myself unable to concur in all the conclusions arrived at by my colleagues on the Commission; but, after an anxious and impartial reconsideration of the whole bearings of the evidence elicited during our investigation, I have felt it an imperative duty to place upon record my dissent from those recommendations which appear to me either to imply undeserved censure on the ordinary management of convict prisons, or to be unnecessary or undesirable in the treatment of ordinary convicts.

From the suggestion made in the final paragraph of the Report, for the treatment of convicts of the treason-felony class altogether apart from ordinary convicts, I have also felt compelled to dissent; on the ground that, although the mode of carrying out the sentences passed on criminals is a question which must necessarily be considered by the responsible advisers of the Crown, the recommendation of such a question to their consideration did not fall within the limits of our Commission.

I have also thought it necessary to supplement the statements made in the Report with reference to the specific allegations respecting the treatment of the treason-felony convicts, by a further statement of some additional facts, in contradiction or explanation of the several allegations, which appear to me essential to a due vindication of the truth.

I have the honour to be,

My Lord,

Your obedient servant,

E. HEADLAM GREENHOW.

To the Right Honourable the Earl of Devon,
Chairman of the Commission of Inquiry into
the Treatment of Treason-felony Convicts
in English Prisons.

Memorandum.

I have signed the Report on the treatment of treason-felony convicts in English prisons, because I agree entirely in the main conclusions set forth in it; namely,

1. That "neither in the [prison] system itself, nor in its ordinary operation, due regard being had to the fact that convict prisons are intended to be places of penal discipline, did we observe anything to justify charges of unnecessary severity or harshness, or a neglect of the conditions necessary for the due preservation of health." Report, par. 20.
2. That "after a patient and minute investigation, we do not find any ground for the belief that the treason-felony prisoners in English prisons have, as a class, been subjected to any exceptionally severe treatment, or have suffered any hardships beyond those incidental to the condition of a prisoner sentenced to penal servitude." Report, par. 204.
3. That "it appears on the contrary, from the evidence of prison officers, Report, 205.

"confirmed in certain cases by the evidence of the prisoners themselves, that the prison authorities have sanctioned from time to time certain relaxations of convict discipline in their favour."

To the first of these general conclusions, however, certain qualifications are appended, in several of which I am unable to agree, and which seem to me very materially to lessen its weight. Certain suggestions and recommendations are also made in the Report, in which I cannot concur, either because I consider them uncalled for by the circumstances, or else because they refer to matters which seem to me beyond the province of the Commission.

The second of these conclusions is also, I think, deprived of its due force by the want, in the Report, of that clear and categorical dealing with the specific allegations respecting the treatment of the treason-felony prisoners, which the tenour of our instructions seemed to me to require.

I feel bound, therefore, though with much reluctance, to qualify my signature of the report, as I reserved to myself at the time the power of doing, by subjoining to it in this Memorandum an expression of my dissent from some of its minor conclusions; and, also, a further statement of facts in relation to several of the allegations respecting the treatment of treason-felony prisoners, which appear to me necessary to supplement the references made to them in the Report.

Before proceeding to particulars, I think it due to my colleagues on the Commission and just to myself to explain, that after diligently working with them throughout the whole of the investigation, and repeatedly stating my general views on the subject, I was compelled by unavoidable circumstances to be absent from several of the meetings held for the consideration of the Report, and was thereby deprived of the opportunity of pressing my objections, day by day, whilst the details were being discussed.

First, then, as regards some of the qualifications which are appended to the general approval of the working of the prison system, expressed in the passage I have quoted from the Report.

Diet.—No evidence was adduced before the Commission tending, in my opinion, to show that the dietary of the convict prisons is at any season insufficient in quantity for the maintenance of health, except at Portland, where convicts generally lose weight soon after their arrival; and where the medical officer, Mr. Blaker, and Mr. Gover, the medical officer of Millbank prison, who was sent to Portland to make a special inquiry into the subject, agreed in stating that they consider a slight increase of diet desirable. Still less, in my opinion, was there any evidence to lead to the conclusion that, with the exception of more accidents such as occur in all establishments, the food supplied in the convict prisons is over otherwise than wholesome and good of its kind. The bread, in all the prisons visited by the Commissioners, was fully equal in quality and manufacture to the best seconds bread supplied by bakers to the public; the soup was, without exception, highly nutritious; and the food of all kinds undergoes a scrutiny at least equally rigorous with that bestowed on the food supplied to other large public institutions, or to soldiers in the army, and is certainly more than equal, both in quality and quantity, to the diet obtainable by most free labourers. We also found the infirmary diet good, plentiful, and well cooked in every prison we visited.

In these circumstances, I feel obliged to dissent from the several recommendations in the Report for the issue of hot rations on Sundays at all the convict prisons, for the more frequent and direct supervision of articles of diet, and for the establishment of separate infirmary kitchens, as uncalled for; and, especially, as implying reflections upon the present system of prison management not justified in my view by any facts brought to our knowledge.

Labour and Medical Attendance.—All the evidence submitted to us with respect to the regulation of labour in the several convict prisons, where the prisoners are employed on public works, tended in my opinion to show that every reasonable precaution is taken to prevent the convicts suffering from the labour imposed upon them. On reception at every prison they undergo a medical examination before being set to labour, and the medical officer determines the nature of the work they are fit to undertake. Such prisoners as he finds unfit for hard labour or for exposure, are put to light or indoor labour; whilst those who, after having been put to hard labour, become unfit for it, are always on

3747, 2493-25.
3856, 13,745,
13,746-5.

5548-50.

Report, pass. 22, 23,
25.

365, 1386, 3964, 5220.

141, 308, 5230,
5574-8, 11,307-8.

application to the medical officer re-examined and removed to lighter labour or to hospital, as their case may require. That, occasionally, prisoners who do not apply to the medical officer may continue at labour for which they are unfit, until their suffering becomes evident, is quite possible; and that, on the other hand, prisoners may apply for release from labour on grounds which the medical officer deems insufficient, is of course equally liable to occur; but, on the whole, it appeared to me amply proved that prisoners are relieved from hard labour or admitted into hospital whenever due cause is shown, and often for causes and ailments so slight that free workmen would disregard them altogether.

I see, therefore, no sufficient grounds for the recommendations made in the Report for the periodical weighing, and more frequent medical inspection, of those prisoners who are not on the sick list, and have not complained to the medical officer. The carrying out of these measures would necessitate a considerable increase of the medical staff of the convict prisons, which I am of opinion, if efficiently officered, is adequate to the reasonable requirements of the convicts, who have, as a rule, more careful and regular medical attendance, whenever they need it, than any class whatever of working men on the outside of prison walls.

Report, para. 57, 58.

11,464-6, 18,458-9.

Discipline.—Entertaining, as I do, very strongly the opinions expressed in the Report respecting the injurious effects to health from prolonged bread and water, or penal class diet; and feeling, even more strongly than is expressed in the Report, the desirability of abolishing confinement in absolutely dark cells, on the ground of its being a most unequal and to some temperaments even a dangerous punishment; I am, nevertheless, fully alive to the necessity of retaining in the power of the prison authorities means of punishment sufficient to control refractory prisoners.

I cannot, therefore, concur in the suggestions contained in the Report, that the prohibition of writing and receiving letters, and of attendance at church, for prisoners under punishment, should be removed or relaxed; inasmuch as the prison authorities would be thereby deprived of means of punishment which, whilst they may be expected to have a powerful influence on the feelings of the convicts, are the least likely of any to affect their health injuriously. Neither am I of opinion that the restrictions now imposed on the writing and receipt of letters by the convicts generally could be materially relaxed without prejudice to discipline. According to the regulations at present in force, it is in the power of every convict to earn for himself the privilege of writing and receiving letters, and receiving visits more frequently, by conducting himself well enough to obtain promotion into a higher class; so that the granting any considerable increase of these privileges to all convicts indiscriminately would take away one of the strongest inducements to good conduct that can be held out by the prison authorities.

Report, para. 59, 67.

Secondly, as regards the specific allegations respecting the treatment of the treason-felony convicts in English prisons, which led to the appointment of the Commission.

These are mainly comprised in an unsigned memorial, dated March 1870, addressed to the Secretary of State for the Home Department, but published in the Irish papers with the signatures of Letitia Luby and Catherine Mulcahy; and professing to be based on several declarations on oath, made by released prisoners and others, which were sent to the Home Secretary with the memorial, and together with it were placed by him in the hands of the Commissioners.

The memorial contains *thirteen* so-called specific allegations, of which the *second, third, fourth, and eighth* refer to the treatment of released prisoners, into whose cases the Commission did not consider it to be within their province to attempt any inquiry. The *twelfth* allegation has reference to a prisoner whose name does not appear on the list of treason-felony convicts in English prisons supplied to the Commission.

With the remainder of the thirteen specific allegations I propose to deal *seriatim*.

The *first* and *fifth* allegations refer to the treatment of the treason-felony convict Denis Downing Mulcahy, now in Woking prison. In them it is stated in substance:

1. That Mulcahy has constantly suffered in health from the bad quality of the prison diet, and indeed has constantly been unable to use it.

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To this it may be a sufficient answer to state that Mulcahy's weight was as nearly as possible the same at Woking in May 1870 as it had been on his reception at Millbank in January 1867. It is true that between his first reception at Pentonville, in February 1866, and his reception at Millbank, in January 1867 he had lost fifteen pounds in weight; but as, during that period, he had been twice re-transferred to Mountjoy prison, pending law proceedings in the matter of his trial, and had been moved in all five times, it is doubtful whether the harass of mind and body necessarily caused by these frequent changes of prison, and by anxiety as to the result of the law proceedings, may not have had a large share in the loss of flesh sustained at that time.

2. That when confined in Dartmoor prison in January and February 1867, Mulcahy was compelled to perform hard labour in the stone-works and forced to draw heavy carts by means of a collar fastened round his neck. Also that whilst so labouring, he was suffering from hæmorrhage of the lungs.

The facts in the matter of these allegations are, that Mulcahy was not admitted to Dartmoor prison until the 8th of February 1867, and was for a very short time only employed with the ordinary convicts on the public works. It is true that carts containing stones are drawn by the convicts, but the mode of drawing them is never by a collar yoked round the neck, nor by a single convict as implied in the allegation. Mulcahy, however, in less than a fortnight after his arrival at Dartmoor was admitted into hospital, not for hæmoptysis, of which he had then no symptoms, but for an abrasion of the heel; and when that was cured he was put into the light-labour gang and worked in the tailors' shop until the 26th of April, when he had a slight attack of blood-spitting, for the first time at Dartmoor, and was again taken into hospital.

3. That no sufficient medical examination has been made of his case at any time, and that no suitable medicines have been given to him, and no improvement has been made in his food.

These statements are all totally at variance with the truth. The prisoner was examined at Pentonville on May 12th, 1866, and his chest was found to be healthy. He was again carefully examined whilst at Millbank, by Mr. Gover, the medical officer of that prison, who states that he found nothing amiss with his chest. After the occurrence of his spitting blood at Dartmoor, although it amounted only to the appearance of streaks of blood in the sputum, the governor of that prison, on the recommendation of the medical officer, wrote to the Directors of Convict Prisons, requesting that he should be removed as the climate might not agree with him; and he was, in consequence, transferred the following month to Woking, where he has been ever since. A certificate was laid before the Commission, written by Dr. Wilson, the assistant medical officer at Woking, in reply to inquiries made by the authorities in London respecting Mulcahy's state of health. Dr. Wilson certified, that the prisoner, having been invalided from Dartmoor for hæmoptysis, was carefully examined on reception, and that no symptoms of phthisis were detected, nor was the prisoner otherwise than in good general health. Nevertheless proper medicines for his presumed case, cod liver oil and guaiacum, were duly administered to him. Dr. Campbell, the chief medical officer of Woking prison, under whose care Mulcahy has been during his three years residence there, positively affirms that he has not had any traces of blood-spitting during the whole time, and that his chest has been examined on several occasions, with the result of finding it always sound and free from any evidence whatever of phthisis. Dr. Campbell and Dr. Wilson also state that the prisoner has suffered at times from trivial ailments, such as slight dyspepsia and neuralgia, for which he has been admitted into hospital and kept there, as Dr. Campbell explains, for considerable periods, in order to give him the advantage of the change to infirmary diet.

The sixth allegation states that O'Donovan Rossa at Chatham prison had his hands tied behind his back for 35 days.

After the fullest possible investigation of Jeremiah O'Donovan Rossa's case we came to the conclusion, as set forth in the Report, that the preponderance of testimony was in favour of this statement being a correct one; excepting that the manacles were always taken off at night and removed from back to front during meal times. It seems, however, to me, only fair to the prison authorities to add, that what was undoubtedly an exceptional and irregular proceeding did not appear, in my opinion, from the evidence, to have been intentional on their part, but to have been a lapse consequent on the misander-

200-3.

400-3, 785-8.

12,310-12

Medical History.

15,368.

402.

15,319-25, 15,392.

Medical History.

15,319-41.

15,334-5, 15,377.

375.

15,341.

15,346.

15,390-5, 15,396.

15,398-9.

15,344.

15,381-3.

standing of verbal instructions. The governor of the prison, Captain Powell, on his return from a three days' absence, immediately following the gross assault upon himself which caused O'Donovan Rossa to be put in handcuffs, abstained from visiting and taking control of the prisoner whilst he was awaiting his sentence of punishment from the Directors for that offence. Captain Harvey, the deputy governor, who gave over charge of the prisoners on the return of his superior officer, did not consider that he was any longer responsible for the treatment of O'Donovan Rossa. Consequently the warders, receiving no countermand of the original order, continued to apply the handcuffs behind in accordance with it during the time stated. In truth, O'Donovan Rossa's language and conduct throughout his prison course, previous to his assault upon Governor Powell, had been so exceptionally violent and insubordinate, and had made him appear so intractable and mischievous a prisoner, that the warders may perhaps, not unnaturally, have taken for granted as intentional any measure which would keep him quiet without doing him harm. He had on numerous occasions resisted the officers, and once, after breaking his cell-pot, had put the pieces in a towel, so as to make it into a weapon of defence, with which he threatened the first person who entered his cell. He had at different times broken his utensils or furniture, and even the walls or door of his cell, and for several weeks before the day on which he committed the assault upon Governor Powell, by throwing over him the contents of his chamber-vessel, he had been almost constantly under report or punishment for breaches of prison rules, or wilful damage of prison property. On the other hand, it is but justice to O'Donovan Rossa to state, that subsequent to the period in question, up to the time of the investigation of his case by the Commission, his conduct had been good; and, that his honesty in admitting to us most of his prison offences, and his anxiety not to overstate what he considered his prison grievances, made a very favourable impression. Indeed, from what I saw of him, I fully believe that for a certain period he was in a state of ungovernable excitement, in which he committed acts, of which, as he himself said, he would at no other time have believed himself capable.

The seventh allegation affirms that the medical officers of the convict prisons systematically neglect their duties towards the treason-felony prisoners, take no notice of their being unable to use the food, and when applied to by the prisoners, accuse them of shamming.

So far is this from being in accordance with the truth that it was clearly established, by the evidence taken during our investigation, that the medical officers, generally, had paid special attention to the complaints of the treason-felony prisoners, on the understanding, as several of them stated before the Commissioners, that these prisoners were to be treated with consideration. In consequence of this understanding they have, as a class, been allowed changes of food and labour, have been kept in hospital, and recommended for removal from one prison to another on the score of health, on slighter grounds than would have procured the same indulgences for any ordinary prisoners.

The ninth allegation asserts that Richard Burke has been driven mad by inability to use the food in Chatham prison, and by careless medical treatment.

That Richard Burke is now, and has been for a length of time not easy to determine, of unsound mind, seems to be clearly established; but there is not the slightest evidence to show that his mental derangement is traceable in any way either to his food or medical treatment in prison. The medical officer of Millbank, the first convict prison into which he was received, and in which he only stayed sixteen days, states in his evidence that he always found Burke writing, and so absorbed in thought that he scarcely noticed his entrance; and adds, that his manner was somewhat impatient as well as absent. In Chatham prison he refused his food because he was under the delusion, first, that it produced worms; and latterly, that it was poisoned. He also refused his medicine under the morbid idea that it contained bi-chloride of mercury. These were not perhaps at the time sufficient grounds on which to question the man's sanity; but, viewed by the light of the subsequent progress of Richard Burke's case, the evidence, so far as it goes, points in my opinion to the fact of his having manifested symptoms of incipient insanity from a very early period of his imprisonment.

With regard to the medical treatment of Richard Burke, it appears that, in addition to the attendance of the ordinary medical officers of the prisons in which

3766-6, 3726.

3735-6, 15,725,
15,378-611,028, 14,963-6,
15,292,
15,294-9, 15,379-93.

he was successively located, he was twice, when his mental derangement had become more apparent, specially examined at the desire of the London authorities, by the late Dr. Meyer, superintendent of the Broadmoor Criminal Lunatic Asylum, in order to determine his real condition. Such cases, however, are sometimes most difficult of decision, and differences of opinion existed, even up to the time of our investigations, among the various medical men who had seen Barke, as to the certainty of his insanity. Meantime he had been treated with care and consideration in the infirmary of Woking prison, and by order of Dr. Campbell, the medical officer, who regarded him as insane, had had special attendance from the wardens to induce him to take his food, which he often refused as poisoned, and to get out of bed, which, like many persons of unsound mind, he constantly resisted doing.

The *tenth* allegation reiterates the charge of the insufficiency of the convict dietary, and of its being calculated to produce dyspepsia, diarrhoea, and other disorders of the system.

This assertion has been sufficiently answered under the head of *diet*, except from one point of view. The convict dietary, though good and wholesome of its kind, is not such as can be palatable to men who, like most of the treason-felony prisoners, have belonged to the middle, rather than to the labouring classes. To those among them who had delicate stomachs it could not fail to be highly distasteful, and would be not unlikely to disagree with them, more or less, until they became accustomed to it. But these are hardships necessarily incident to the condition of penal servitude; and, as such, have been suffered in silence and resignation by men of far more delicate breeding than any of the treason-felony prisoners. Nor must it be overlooked that whenever any symptoms of illness have appeared to result from the use of the ordinary prison diet, the medical officers have ordered a change of food, or admission into hospital, exactly as far illness arising from any other cause. This is abundantly shown in the printed evidence; but the conclusive proof that the convict dietary has not in the long run been injurious to the health of the treason-felony prisoners is to be found in the fact that, whilst seven of the twenty-six prisoners included in our inquiry have lost weight, six have remained stationary, and no less than thirteen have decidedly increased in weight, during the period of their imprisonment.

The *eleventh* allegation refers to Power, a prisoner now at Woking, who is stated to have suffered and to be still suffering much from the prison food and discipline, to have his lungs affected, and to require treatment such as cannot be carried out in the prison.

The fact that Edward Power has progressively gained in weight, to the extent of 21 lbs., between the time of his first reception into an English prison in March 1867 and the time of his last being weighed in May 1870, is a sufficient refutation of the first part of this allegation. With respect to the latter part, it is true that Power, when at Portland in September 1868, showed, in the opinion of the medical officer there, some symptoms of incipient phthisis, for which he was invalided to Woking, where, with the exception of two months at Millbank, he has remained ever since. But although Power is obviously of a strumous constitution, having the scar of an old abscess on the right side of the neck, and belongs to a phthisical family, having lost a sister from that disease; yet, in fact, the symptoms which seemed to indicate incipient phthisis have not become developed. The medical officers under whose care he has been concern in reporting him as in fairly good health, and free from disease of the lungs. Dr. Campbell, of Woking, says that he uses all his food, rarely or never re-breathing, night-sweats, nor any other symptoms of phthisis. Mr. Gover, of Millbank, states that, in March 1870, he was led, by Power's complaints of pains in the chest, to examine him carefully by auscultation several times, and that he could discover no cause to account for the pains, and came to the conclusion that there was no disease of the lungs. Lastly, the prisoner's increasing weight renders it evident that his health has improved rather than deteriorated during the period of his detention, and that his medical treatment has been as successful as could well have been the case had he been at liberty.

The *thirteenth* allegation recites that O'Connell, Devoy, McClure and Halpin, now at Chatham, all suffer from the bad food and strict discipline; that O'Connell's health has been completely shattered, and he is labouring under

Medical History.
12,550-60.*Medical History.*

15,397-70.

15,293-6.

heart disease; that Devoy's health has become visibly impaired, and he has had frequent fainting fits; and that M'Clure has also suffered in health and is subject to fainting fits.

These four prisoners, like many of the others, persistently refused to make any statements to the Commissioners regarding their health or treatment; but from their aspect, from the statistics of their weights, and from the reports of the medical officer, it appears that two of them, viz., Devoy and Halpin, are and have been in good health and have gained in weight during their imprisonment, whilst the two others, viz., O'Connell and M'Clure, have been delicate, weakly men throughout their imprisonment, and have progressively lost weight.

Charles Underwood O'Connell, when at Portland in 1866-8, was noted as in tolerable health, with possibly slight aortic disease (?), but was never in hospital. Later, when he was at Millbank, Mr. Gover found no evidence of organic disease, but great nervous debility and dyspepsia, for which he was put on hospital diet and excused from hard work during nine out of his ten months' stay there. In March 1869, he was transferred to Chatham, where he has never been put to out-door labour, but has only gone through the form of mending stockings, and has had his diet frequently changed. Taking into consideration, however, all the facts of this prisoner's case, viz., that he has always been a delicate and nervous man and has now palpitation of the heart and extreme nervous tremour, and is moreover progressively losing weight, I am of opinion that he really is in failing health, and that in a man of his physical temperament such failure may be partly due to mental excitement and anxiety connected with his imprisonment.

John Devoy has not been in bad health at any time during his imprisonment. At Portland he was never in hospital. At Millbank Mr. Gover states that he took him off penal diet, not that he was suffering from it, but that, on account of his being a treason-felony prisoner, he wished to prevent the possibility of injury to his constitution. At Chatham, where he has been since March 1869, he has never been put to hard labour, though he has been in good health, requiring no medical treatment. He has had no fainting fits. On reception at Millbank in 1867 he weighed 140 pounds, whilst on May 12th, 1870, his weight was 146½ pounds.

John M'Clure, according to the statement of the medical officer at Chatham, has had only a single fainting fit, from which he recovered almost immediately; it occurred on May 3rd, 1869, in very hot weather. He has been occasionally in the infirmary, but has required very little medical treatment, though he has frequently refused the food. He has never been put to hard labour at Chatham. Mr. Gover, of Millbank prison, states that he took him off penal diet on the same grounds as Devoy. He is obviously a man of weakly constitution, and has gradually lost weight during his three years' imprisonment to the extent of 17 pounds.

William Halpin has suffered from no ailment, but a slight chronic cough, to which he had been subject for several years. He was in good health whilst at Millbank, only once requiring a dose of ordinary aperient medicine. At Chatham he has frequently complained of the food and refused to work, but he has steadily increased in weight, gaining 17 pounds between November 1867, when he was received at Millbank, and May 1870, when he was last weighed at Chatham.

I have thus gone through the specific allegations in the memorial, and have, I think, made it evident that, whilst many of them have no foundation in the real facts of the case, others groundlessly attribute the facts which really exist to the neglect or cruelty of the prison authorities; as if the condition of penal servitude were the one condition of life in which mental and bodily health cannot fail from natural causes.

Besides the above allegations made on behalf of the treason-felony prisoners, the Commission investigated the allegations of ill-treatment in prison, made by a few of the treason-felony prisoners themselves; the larger number of them, however, having finally declined to make any statements, notwithstanding the extraordinary facilities granted to them for getting up their cases.

The allegations made by different prisoners included complaints of the diet, clothing, labour, medical attendance, discipline, and in fact of every arrangement connected with the prisons in which they have been located. Most of these complaints have been fully dealt with in the report, or in the supplementary

statements I have felt bound to make; but there is one complaint, which has been the subject of much animadversion, on which it seems to me that a clearer explanation is desirable.

In the matter of clothing it was alleged that the treason-felony convicts on their arrival at Pentonville, were deprived of the flannels they had brought with them from Mountjoy prison; and that, although their arrival was in mid-winter they were not supplied with others, to the great detriment of their health.

The facts of the matter are these. For obvious reasons prison rules require that the clothing belonging to one prison should not be retained by prisoners transferred to another; and, therefore, on the arrival of the treason-felony prisoners at Pentonville prison, their Mountjoy clothing, which included flannels, was necessarily exchanged for Pentonville clothing. But at Pentonville prison, which is constantly warmed during the winter and the temperature kept up to a fixed minimum, flannels formed no part of the ordinary prison dress, and were only supplied on the recommendation of the medical officer. Consequently it is true that, on the first night of their arrival, none of the treason-felony prisoners got flannels; but, on the following day Bryan Dillon, a deformed and weakly man, was supplied with them; Reantree and Mulcahy obtained them on the fourth day after their arrival, Mulcahy also on application getting an extra rug at night; and out of eight treason-felony prisoners included in our inquiry, who had been located at Pentonville, six were sooner or later, as they appeared to require it, supplied with flannels on the recommendation of the medical officer. Nor was it substantiated that any one of the prisoners had really been injured in health by the deprivation.

In conclusion, I feel compelled to state that I am unable to concur with my colleagues on the Commission in the suggestion made in the final paragraph of the Report, for the setting apart, from time to time, of a detached portion of some convict prison for the reception of prisoners of the treason-felony class. As is stated in the paragraph itself, no such question was comprised in the subjects referred to us for inquiry, and I cannot but regard it as beyond the province of the Commission to recommend to the consideration of Her Majesty's Government a measure involving, as it appears to me, the virtual establishment of a special prison for prisoners of the class of the treason-felony convicts.

E. HEADLAM GREENHOW.

15,480-9, 15,768,
15,735.

15,837-8.

Par. 260.

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APPENDIX

APPENDIX A—PARTICULARS OF TWENTY-ONE TAIWANESE FEMALE JOURNALISTS AND AN ENGLISH-CHINESE DICTIONARY

| Serial Number of Case | Name and Address of Donor | Date and Place of Birth | Marital History and Number of Children | Place and Date of Death of Donor or Date of Discharge | Sex and Date of Completion of Service and Discharge | American Government Service Number | Religion | Education | | Description of Date of Completion | | Remarks |
|-----------------------|-------------------------------------|-------------------------|--|---|--|------------------------------------|----------------|-----------|-------|--|--|---------|
| | | | | | | | | Level | Grade | Branch | Date of Completion | |
| 1 | Thomas Curran, (overseas newspaper) | 1888, Tipperary | Single - | Marine, London, and always, April 10, 1918 | 4th April 1918, London, England, Royal Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 Midland Railway - 1914 | 4th July 1917 1910 S.A. 1914 10th April 1918 10th May, 1918 | |
| 2 | James Linton (see table) | 1888, Cork | Single - | Private, Cork | 14th December 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 3 | John Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 4 | William Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 5 | George Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 6 | Thomas Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 7 | James Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 8 | John Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 9 | William Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |
| 10 | George Curran (Midland Railway) | 1888, Tipperary | Single - | Private, Cork | 14th Dec 1917, Cork Special Garrison, 1st, 1st Garrison, 1st, 1st Garrison, 1st | 22 - | Roman Catholic | Yes | Yes | Midland Railway - 1910 S.A. 1914 10th April 1918 | 14th Dec 1917 10th Jan 1918 10th April 1918 | |

| Serial Number | Name and Christian Name | Date and Place of Birth | Education, etc. | Place and Position of Study, or Office of Life | Date and Place of Conversion, and Date of Baptism | Degree and Order of Ordination | Religion | Education | | Travels from Date of Conversion | | Remarks |
|---------------|-------------------------|--------------------------|-----------------|--|--|--------------------------------|----------------|-----------|---------|---------------------------------|---------------------------|---------|
| | | | | | | | | First | Second | Place | Date of Baptism | |
| 1 | William (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th March 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 2 | John O'Leary (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 3 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 4 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 5 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 6 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 7 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 8 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 9 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 10 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 11 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 12 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 13 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 14 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |
| 15 | Edward (John) | 1740, Falmouth, Cornwall | Warwick | The school - | 10th December 1761, Falmouth, Cornwall; 11th June 1761, Falmouth | BA | Roman Catholic | Warwick | Warwick | Warwick | 10th April 1761, Falmouth | |

| Directors Number Rank | Name and address and rank | Date and place of birth | Marital or Family status and children | Date and location of marriage | Date and place of last illness before this election | Position held before this election | Religion | Membership | | Residence from date of becoming a member | | Remarks |
|-----------------------------|---|----------------------------|--|----------------------------------|--|--|-----------|------------|------|---|--------------------|---------|
| | | | | | | | | First | Vote | Name | Date of membership | |
| 14 | Charles C. Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |
| 15 | John W. Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |
| 16 | William Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |
| 17 | Joseph Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |
| 18 | John Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |
| 19 | Richard Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |
| 20 | John Johnson (1700 North 10th St.) | 1844, Dallas, Tex. | Single | 1864, Dallas, Tex. | 1864, Dallas, Tex. | 1864, Dallas, Tex. | Episcopal | Yes | Yes | 1864, Dallas, Tex. | 1864, Dallas, Tex. | |

[illegible]

APPENDIX B.

CORRESPONDENCE with Mr. BUTT, Q.C., and Mr. NOLAN.

No. 1.

Amnesty Association Rooms, Mechanics' Institute,
My Lord, Dublin, May 21, 1870.

I HAVE the honour to enclose to your lordship copies of a letter addressed by me to Mr. Bruce on behalf of the Committee of the Amnesty Association of Ireland, and of the reply.

I have laid these letters before the Committee, and am desired by them to express an earnest desire that your lordship will accede to their request conveyed in their letter to Mr. Bruce.

They have forbidden addressing the Commission until they had a further opportunity of ascertaining the feelings of the friends and relatives of the political prisoners. They are now able to say on their part that the feeling is universal that the inquiry will not otherwise be satisfactory.

This sentiment is very strongly entertained by the ladies' committee, composed of ladies principally the immediate relatives of the prisoners, for the purpose of administering to the wants of the wives and families of those imprisoned.

The Committee of the Amnesty Association feel confident that it would be the wish of your lordship and your brother Commissioners that the investigation should not only elicit the entire truth, but that its results should satisfy the public that it has done so. The Committee may refer to the result of former inquiries and to the necessity of the appointment of the present Commission as an evidence of the proof of the failure of past investigations to attain their ends.

They think they could easily show that a failure has been caused by the want of some person representing the parties most interested in the inquiry to attend and take part in the investigation.

The Committee believe they are in the possession of facts relative to the treatment of the political prisoners which in the interest of justice they think it only fair to fully investigate.

Hoping that your lordship will accede to the proposal, and requesting the favour of an early reply,

I am, &c.

The Right Hon.
The Earl of Devon. J. NOLAN, Hon. Secretary.

ENCLOSURE No. 1.

Copy.

Amnesty Association Rooms, Mechanics' Institute,
Sir, Dublin, May 7, 1870.

I HAVE been requested by the Committee of the Amnesty Association, both on their behalf and on behalf of the friends of the Irish political prisoners, to address you in relation to the proposed inquiry into their treatment. The public papers have informed us that the Government intend of assenting to Mr. Callan's motion for a Select Committee have resolved on holding an inquiry by commission. The inquiry would certainly be more satisfactory if the friends of the prisoners alleged to have been ill-treated were permitted to take part in it. With this view we take the liberty of asking that the investigation of the Commissioners should be attended by some person on behalf of the friends of the prisoners, who will be permitted to offer evidence and put questions to the witnesses who may be examined. We have no difficulty in assuring you that if this suggestion be adopted the friends of the prisoners will select a person who will be unobjectionable, and whose intervention will have no other object than that of eliciting the whole truth.

Requesting the honour of a reply at your earliest convenience,

I am, &c.

The Right Hon.
The Home Secretary. J. NOLAN, Hon. Secretary.

ENCLOSURE No. 2.

69,403.

Copy.

Sir, Whitehall, May 11, 1870.
I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 7th inst. requesting, by desire of the Dublin Amnesty Association, that the investigation of the Commissioners appointed to inquire into the treatment of the Irish political prisoners may be attended

by some person on behalf of the friends of the prisoners, who will be permitted to offer evidence and put questions to the witnesses who may be examined; and I am to acquaint you, in reply, that the gentlemen who have been appointed to conduct the inquiry will have full power to investigate the questions submitted to them by the means they consider most effectual for eliciting the truth, and that your application should be addressed to the Earl of Devon, who will preside as chairman at the inquiry.

I am, &c.

J. Nolan, Esq. A. J. O. LEBDELL.

No. 2.

3, Parliament Street, London, S.W.,
May 28, 1870.

Sir,

I AM directed by the Commissioners who have been appointed to inquire into the treatment in convict prisons in England of prisoners under sentence of penal servitude for the crime of treason-felony, to acknowledge the receipt of your letter of the 21st inst., with its enclosure. You request that during the inquiry some person on behalf of the friends of the prisoners may be permitted to be present, for the purpose of offering evidence and putting questions to the witnesses who may be examined. The Commissioners have given to this proposal full and careful consideration, but they are of opinion that under the circumstances it would not tend to promote the due investigation of the important subject entrusted to them if they were to accede to it. At the same time I am instructed to add, that as it is the desire and intention of the Commissioners to elicit the whole truth, and to avail themselves for the purpose of all means in their power, they will be ready to receive from the friends of the prisoners, or any person acting on their behalf, any statement in writing which it may be wished to submit to them. I am further directed to state that if it be desired by the friends of the prisoners to tender any witnesses for examination, the names of such proposed witnesses, with any explanatory statement sufficient to indicate the points in regard to which it is wished that they should be examined, should be forwarded to this office. The Commissioners will then, if such proposed evidence appear likely to be in any way material, give full opportunity for its production. I am instructed, in conclusion, to inform you that care will be taken to give full notice to such prisoners a reasonable time before his examination, and so to conduct such examination as to enable each man to give his evidence in the most free, full, and unconditional manner.

I am, &c.

J. Nolan, Esq. W. SWINNER OLLIVANT, Secretary, &c.

No. 3.

Amnesty Association Rooms, Mechanics' Institute,
Sir, Dublin, June 1, 1870.

I HAVE to acknowledge the receipt of your letter of the 28th inst., and I am desired by the Committee of the Amnesty Association to express their regret at the determination of the Commissioners to refuse the request made by them on behalf of the friends and relatives of the political prisoners.

As it is of importance that there should be no misunderstanding as to the nature of their request, the Committee beg to repeat their proposal.

It is that some gentleman of unexceptionable character and position, to be approved of by the Commissioners, should be permitted to be present at the inquiry, to put questions to the witnesses, and to suggest to the Commissioners cases to be inquired into, and the names of witnesses to be called; this interference, of course, to be in all respects subject to the control and discretion of the Commissioners.

With every respect for the high character and justice of the Commissioners, the Committee do not believe that even their character will give weight to the result of an investigation conducted in such and without the assurance which is generally thought essential to a fair inquiry, and leave no person who can be considered a free agent to press the complaints of prisoners against officials who hold over them a power almost literally that of life and death.

The Committee thus remind the Commissioners that the result of one secret and ex-parte inquiry, although con-

ducted by men of high character, is now admitted to have been illusive, and that ministers of the Crown have been induced by the representations of subordinate officers to make statements which have been subsequently admitted to be untrue.

Nothing but the most searching and open investigation can satisfy the public mind, and the Committee believe that the investigation cannot take place in the manner intended by the Commissioners. Indeed, it is generally understood that one gentleman who was named on the Commission refused to take part in it on account of the unsatisfactory character of the proposed inquiry.

The Committee must decline the proposal to send in statements of cases, with full particulars of circumstances and dates, &c., as suggested in your letter. Even if this were possible, by doing so the friends of the prisoners would only lead themselves to creating the delusion that they were parties to the inquiry, when in reality that would not exercise over it any influence whatever.

The Committee think, in justice to the Commissioners, it is right to forward to them a copy of a pamphlet styled "Things not generally known concerning England's Treatment of her Political Prisoners," extremely circulated in Ireland. The Committee are in no way responsible for the publication of this pamphlet, or for the statements it contains, but they believe its publication has the sanction of the Irish Committee, whose immediate relationship with many of the prisoners under them feel acutely any unnecessary persecution or indignity inflicted on their kindred, and the Commissioners will observe that its general statements are endorsed by the signatures of a number of the arrested prisoners, who, while in prison, witnessed or endured what is described.

These statements have been and are generally believed in Ireland, and strong feelings of horror and indignation have been excited in this alleged system of cruelty practiced on Irish political prisoners, which has impaired the reason and rained the health of many, which has driven some insane, and caused the death of others. The Commissioners will see that some of the most startling of its statements rest upon the testimony of witnesses who are now free from prison control, but whose testimony can easily be obtained.

The Committee believe the allegations of the pamphlet, many of which are made with the most minute particularity, may be useful in suggesting points of inquiry upon which the friends of the prisoners, in common with the whole Irish people, are anxious that a full, searching, and open investigation should take place.

The Committee therefore repeat their proposal, in the warmest hope that even at this stage the Commissioners will accede to their request, and allow the inquiry to assume such a course as will be most calculated to satisfy all that is endeavored to elicit the entire truth.

I have, &c.

J. NOLAN,

W. Spencer Olivant, Esq.

Hon. Secretary.

No. 4.

MY LOVE, Eades Street, Dublin, June 6, 1870.

THE Committee of the Irish Amnesty Association have submitted to me, as president of the association, the correspondence which has taken place between them and the Commissioners appointed to inquire into the treatment of the Irish political prisoners.

They have at the same time made to me a very warm request that I should consent to represent the friends and relatives of the prisoners at the inquiry, and that I should state to your lordship that I am willing to do so. They are under an impression that such a statement from me may have some influence on the determination of the Commissioners with reference to their application to permit them to be represented.

With some reluctance I have acceded to the latter portion of their request, and I trust that the Commissioners will not consider me as intruding myself on their notice when I say that if the Commissioners accede to the proposal to allow the friends of the prisoners to be represented at the inquiry, I am willing and ready to represent them.

I must, however, do so entirely in the capacity of a person possessing the confidence of those most interested in the inquiry. My position in connection with the Amnesty Association makes it impossible for me to appear in any professional capacity, even if the Commissioners thought the nature of the inquiry admitted of such appearance.

I believe I do so far possess the confidence of the friends of the prisoners and of the portion of the Irish public who take a deep interest in the inquiry that my presence at the investigation would be accepted as a guarantee that the inquiry would be a full and searching one.

I entirely concur in the opinion expressed by the Committee that any inquiry in which the friends of the prisoners are not represented will be regarded by the Irish people as unsatisfactory and illusive.

I need not refer your lordship to the pamphlet already submitted to your lordship by the Committee, and the statements which it contains. These statements have obtained a very wide circulation and a very extensive belief.

It is, I think, of deep concern to the honour of the British Government that the charges which have been made of inhuman treatment of the prisoners should be fully and openly investigated, and that the investigation should be so conducted as to satisfy the public opinion not only of Ireland but of the civilized world that, whatever may be the result of the inquiry, the inquiry has been impartial and complete.

It is only this conviction that induces me to undertake a duty the fulfilment of which involves a very considerable sacrifice and great personal inconvenience, but considering the part I have taken in relation to the political prisoners, I believe I ought not to allow personal considerations to interfere with that which is really the discharge of a public duty.

I will therefore ask of the Commissioners to regard me as personally joining in the request of the Committee that I, or, if the Commissioners have any objection to me, some other person who may be approved of by them, may be permitted to attend the inquiry as the representative of the friends and relatives of the prisoners.

There are some points which would be essential to make the presence of such a representative of any real use.

He should be permitted to put questions to any official of the prison or other witness who might be examined, subject, of course, to the control of the Commissioners as to the nature of the questions to be put.

Subject to the same control he should be at liberty to suggest subjects for inquiry, and to name witnesses to be called.

He should be at liberty to examine the released prisoners as to the treatment they received during their imprisonment.

Thus, of course, assumes that the inquiry should embrace the whole question of the treatment of the political convicts, especially an inquiry into the allegations which those released prisoners have made.

He should be permitted to be present during all the evidence that is taken.

And, lastly, an authentic record of that evidence should be preserved.

To those among the Commissioners who know me I need scarcely offer the assurance that any interference of mine would not be of a character to embarrass in any way the proceedings of the Commissioners. Any such interference would be, in the spirit of this letter, deemed easily by a desire to aid the Commissioners in eliciting the whole truth, and to give public confidence in the result of the inquiry, whatever it might be.

THE RIGHT HON.
THE EARL OF DEVON.

I HAVE, &c.
ISAAC BUTT.

No. 5.

SIR, 3, Parliament Street, June 9, 1870.

In reference to your letter of the 1st inst., I am directed by the Commissioners to inform you that their reply to it will be sent by to-day's post to Mr. Butt, Q.C., as President of the Amnesty Association.

I am to request that you will communicate with him, and see further to inform you that the Commissioners propose to commence taking the statements of the prisoners who are in confinement at Portland on the afternoon of Monday the 13th inst.

I AM, &c.

J. NOLAN, Esq.

W. SPENCER OLIVANT,
Secretary, &c.

No. 6.

SIR, 3, Parliament Street, June 9, 1870.

I am directed by the Commissioners for inquiring into the treatment of treason-felony convicts in English prisons to inform you that they have given careful consideration to the letter which has been addressed by you, as President of the "Irish Amnesty Association," to their chairman, under date of the 4th inst.

In that letter you state that, "if the Commissioners accede to the proposal to allow the friends of the prisoners to be present at the inquiry, you are willing and ready to represent them, not professionally but in the capacity

"of a person possessing the confidence of these most interested in the inquiry?" and you further state "that, in your opinion, in order to make the presence of such a representative of any real use, he should be permitted to put questions to any official of the prison, or other witnesses who might be examined, subject, of course, to the control of the Commissioners as to the nature of the questions to be put. Subject to the same control, he should be at liberty to suggest subjects for inquiry, and to name witnesses to be called; and he should be at liberty to examine the released prisoners as to the treatment they received during their imprisonment."

With regard to the last-mentioned point, the Commissioners desire me to point out that, by their appointment, their inquiry is limited to the cases of treason-felony prisoners at present in English prisons, and they have no power to extend its range.

In reliance to the other points alluded to in the above questions from your letter, I am to state that while the Commissioners fully appreciate the earnest and disinterested tone of your communication, and the sense of public duty which has actuated it, they are unable to depart from the principles laid down in their letter to the Amnesty Association of date, as to the mode of conducting the inquiry, and that they must, therefore, decline to permit any person on behalf of the friends of the prisoners to be present during the inquiry for the purpose of putting questions to the witnesses.

It is a satisfaction, however, to them to observe that some of the important suggestions made by you may be substantially carried into effect under the terms of their former letter. The Commissioners desire, therefore, to request their readiness to receive any written statement which it may be deemed by the friends of the prisoners, or any person acting on their behalf, to submit to them, and to examine any witness (including, if it be thought necessary, any released prisoner) who may tender himself for examination, whose evidence may appear likely to have any material bearing on the subject of their inquiry.

It is obvious that by this means it will be competent for yourself, or any other friend of the prisoners, to make also any relevant statement orally before the Commissioners, if such course be desired.

I am further to inform you that the Commissioners have already taken measures for securing to each prisoner adequate leisure for preparing any statement which he may wish to make, and the use of pen, ink, and paper for so doing, and that they will take care that no examination shall take place except after due notice.

If it be wished that any friend of any prisoner shall be allowed to visit him, at a reasonable time and for a reasonable period, in order to assist him in the preparation of his proposed statement, an application for that purpose should be made to the Secretary of State for the Home Department, and the Commissioners have recommended that such a request should be acceded to.

In regard to one of the concluding observations in your letter, the Commissioners instruct me to inform you that a competent shorthand writer will be employed, and an authentic account of the evidence thus procured. It will be the duty of the Commissioners that, at the proper time, full publicity shall be given to the evidence thus recorded, as well as to their report, under the conviction, which they share with you, that they only will the result of the inquiry command public confidence.

The Commissioners observe that your letter has been already published in the public journals. They request, therefore, that the same publicity may also be given to their present communication.

I am, &c.

W. SPENCER OLLIVANT,
Secretary.

Isaac Butt, Esq., Q.C.,
Eccles Street, Dublin

No. 7.

87a, Eccles Street, Dublin, June 11, 1870.

1. I HAVE the honour to acknowledge the receipt of your letter of the 9th inst., conveying from the Commissioners for inquiry into the treatment of the treason-felony convicts their refusal to accede to the request contained in my letter of the 4th inst., that either I or some other person acting as the representative of the friends of the prisoners should be permitted to be present at said take part in the inquiry.

2. I have sent your letter to the papers, as the Commissioners desire. I am sure the Commissioners will excuse me if I feel it right to advert to some points in that letter. I should be very sorry to be supposed to neglect in the statement that the inquiry will command public confidence.

I regret to be obliged to say that I am quite sure that an inquiry conducted in the manner proposed by the Commissioners will be regarded by the Irish public with very deep distrust. I do not believe it will succeed in alluring the truth.

3. I understand distinctly from your letter that the Commissioners do not intend to make any inquiry into the statements which have been made by some of the released prisoners as to the treatment they received while undergoing their sentences. I take the liberty of pointing out that this is a defect which is so fatal to the entire character of the investigation that, if the present authority of the Commissioners does not warrant that inquiry, they ought to request of the Government to rectify the omission.

4. You will remember that in my letter I asked that a person attending on behalf of the friends of the prisoners should be permitted to examine the released prisoners as to the treatment they received during their imprisonment.

5. This is met by a positive and distinct refusal, on the ground that the inquiry of the Commissioners "is limited to the cases of treason-felony prisoners at present in English prisons, and they have no power to extend its range." It appears to me that the refusal to receive such evidence is in itself a stifling of all inquiry.

6. The Commissioners have before them the pamphlet submitted by the Committee of the Amnesty Association. They have observed, no doubt, that in that pamphlet very distinct and positive statements are made upon the authority of released prisoners who are named. These statements disclose a system of treatment which I will not describe by any harsher term than inhumanity. It is, of course, true that the released prisoners can only testify to instances of this treatment as it affected themselves. It is not direct or positive evidence that similar cruelties were practiced upon others; but to hold an inquiry into the character of the treatment of the prisoners, and to refuse the evidence of the released prisoners as to their own experience of that treatment, appears to me a proceeding only calculated to deprive the investigation of all authority or value.

7. It is only from the statements of the released prisoners that those taking an interest in the fate of those who are still detained can obtain any full or accurate information as to that which has been done within the prison walls. Considering the position of convicts undergoing penal servitude is a corrupt prison, the impossibility of communicating effectively with them, and the position in which they are placed towards the officers, who exercise over them a power that is practically uncontrolled, it would, I think, naturally suggest itself to anyone that the most efficient mode of ascertaining the real character of the prison treatment would be by appealing to the evidence of those persons who would declare their own personal experience of convict life, but who are now in free communication with the world outside the prison walls, and who can make their statements without the fear of provoking renewed ill-treatment from the persons of whose acts they complain. If that evidence is not appealed to, there will really be no investigation at all.

8. I cannot admit that any of the suggestions I have made can be substantially carried into effect under the decision at which the Commissioners have arrived. Those suggestions were all dependent on an auxiliary one—that some one should be permitted to attend the inquiry on the representative of the friends of the prisoners. In the absence of this all the other suggestions are useless.

9. The Commissioners declare their readiness to receive any written statement which it may be desired by the friends of the prisoners, or anyone acting on their behalf, to submit to them, "and to examine any witness, including, if it be thought necessary, any released prisoner who may tender himself for examination, and whose evidence may appear likely to have any material bearing on the subject of this inquiry." It is obvious that by these means it will be competent for yourself or any other friend of the prisoners to make also any relevant statement orally before the Commissioners, if such course be desired.

10. It is obvious from the previous intimation that the examination of the released prisoners would be confined to the very rare instances in which any of them happened to have witnessed ill-treatment of the prisoners who are still detained.

11. I most very respectfully desire to avail myself of the permission to send in a written statement, or even to make a statement orally before the Commissioners. I think that, on reflection, the Commissioners will see that this is a proposal to which it would be impossible to accede. The proposal is an invitation to make to the Commissioners statements that must involve, more or less, charges against individuals without being given the opportunity of proving them. It would appear to me that the very moment the

Commissioners permit any man to come before them as an accuser; it ought to follow of necessity that that accuser should not only be permitted but called on to make good his accusation, and to make it good by such evidence and in such a manner as he himself thinks fit. It is only on such terms that any man of right feeling should consent to place himself in the position of an accuser.

12. I cannot help adding that it appears a still more objectionable proceeding to place the prisoners themselves in the position of complainers and accusers against those who are set over them, while they are denied the ordinary privilege which every court of inquiry concedes to those whose complaints they investigate.

13. Anyone acquainted with the ordinary proceedings of the courts of justice will understand at once the wide difference between the permission to send in a written statement to be inquired into by the Commissioners themselves, and the permission to intervene in the inquiry by producing and examining witnesses, and, more than that, by putting questions to the officials, who no doubt will be examined to sustain the propriety of their own conduct.

14. With some little experience in investigations into facts, and with some knowledge of the nature of the case into which the Commissioners are about to inquire, I must state my perfect conviction that no care or anxiety on the part of the Commissioners to elicit the truth can make up for the absence of such a representative of the friends of the prisoners as I have suggested.

15. I cannot, of course, expect now to change the decision of the Commissioners; I say, however, venture to suggest to them that allegations have been made, as to the treatment of the prisoners, of gravity enough to induce the Government to take the extraordinary step of issuing a commission of inquiry. When once this step is taken, it would appear to be a matter of course that those who have made these allegations should be allowed a full opportunity of substantiating them.

16. It is in no spirit of disrespect to the Commissioners that I repeat the expression of my conviction that their refusal to allow this opportunity will destroy all confidence in their proceedings. The effect will certainly not be diminished when it is observed that no reason is assigned for the refusal. It is not even suggested in your letter that the granting of the request which was made could in any way embarrass the proceedings of the Commission, or tend to prevent the ascertainment of the truth. The effect which the Commissioners make of allowing a partial interference with their proceedings will only add to the strength of the impression. It certainly will not tend to weaken it to observe that the interference of the friends of the prisoners is permitted and even invited, subject to the condition that it is to stop at the precise point at which alone that interference could be of the slightest inference or use.

17. It is with deep and unfeigned regret that I am compelled to write thus of an inquiry which I had hoped would see way or other have put an end to a grievous scandal to the Government of the Queen. I have at least the satisfaction of knowing that it is not my fault if a second abortive and illusory inquiry aggravates the reproach and the scandal which nothing but a full, free, and an open investigation ever will remove.

W. SPENCER OLLIVANT,
Secretary, &c.

I HAVE, &c.
ISAAC BUTT.

No. 9.

8th, 3, Parliament Street, June 18, 1870.

I AM directed by the Commissioners appointed to inquire into the treatment of treason-felony convicts in English prisons to acknowledge the receipt of your letter of the 15th instant.

I am also directed to inform you that the Commissioners have weighed fully and carefully the considerations and arguments put forward in your letter, but as not prepared, in regard to the mode of conducting their inquiry, to depart from the course of proceeding which they then marked out for themselves, and have indicated in their former letters. In reference to your application as regards the released prisoner, the Commissioners, while ready to receive any of such persons as witnesses (as they have already stated), must decline to make him one of the subject of separate investigation and formal report. At the same time they will readily receive any evidence relevant to the general treatment of treason-felony convicts in prison in England, though it may not have a direct bearing on any of the cases which form the immediate subject of their inquiry.

The Commissioners feel sure that you will not consider them wanting in courtesy if they forbear to discuss points already dealt with in their former communications.

In conclusion, in order to correct and prevent misapprehension as regards the course which in reference to the prisoners and their friends the Commissioners have taken, and intend to take, they think it desirable to re-enunciate briefly the provisions which they have made for the conduct of the inquiry:

1. The prisoners will have full opportunity for making an oral statement to the Commissioners as regards their treatment; such statement to be made in a private room in the absence of any prison officer; and after a distinct intimation from the Commissioners, to which they will give full effect, that no statement so made will in any way prejudicially affect the prisoner's future position and treatment.
2. They will further have full opportunity for making written statements, and for offering such oral explanations of these as they may desire.
3. The Commissioners will be prepared to receive any statement in writing from any friend of the prisoners acting on his behalf, and to take the oral evidence of any witness (including, if desired, any released prisoner) which may appear to be relevant to the general treatment of treason-felony convicts.
4. The Commissioners have recommended to the Secretary of State that access to prisoners at a reasonable hour, and for a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to friends of such prisoners under such regulations and conditions as the Government may think necessary. Application in such case should be made to the Home Office.
5. The evidence will be taken down by a shorthand writer.
6. The report and evidence will be made public.

The Commissioners confidently believe that under these conditions, which have for their object the discovery of the entire truth, the inquiry will be thoroughly and satisfactorily carried out.

As the Commissioners deem it of much importance that the above provisions for the conduct of the inquiry should be known as generally as possible, they request that you will publish this letter.

I HAVE, &c.

W. SPENCER OLLIVANT,
Secretary.

IRISH DESK, ESQ., Q.C.,
FECLES STREET, DUBLIN.

No. 9.

8th, 3, Parliament Street, Dublin, June 19, 1870.

ON my return home this morning from London I received your letter of yesterday.

Knowing the interest which is taken by the Irish people in the subject of that letter, I am unwilling to let even this day pass without sending it to the papers, as the Commissioners desire, accompanying it at the same time with my reply.

While I am bound to express my thanks to the Commissioners for the tone of the communication they have addressed to me, they will forgive me for saying that I cannot now regard myself as in any way entitled to maintain a correspondence with the Commissioners, or called on to be the medium of communicating their views to the public.

I made to the Commissioners a request that I might be permitted to attend the inquiry as a friend in whom some, at least, of the relatives of the prisoners would place confidence.

In refusing this request the Commissioners did me the honour of entering on a discussion of the question, and at the same time desiring that I should give their letter to the public.

The duty of complying with their desire imposed on me the necessity of pointing out at the same time the unsatisfactory character of their reply.

A similar desire expressed in your letter of yesterday again imposes on me the same necessity.

I regret to say that while I admit the anxiety manifested by the Commissioners to elicit full statements from the prisoners, and while I acknowledge the value of the concessions made in your last letter, my opinion is unaltered that while the Commissioners adhere to their present determination no effort of theirs will either gain confidence for their inquiry, or make it successful in eliciting the truth.

The abandonment of the prosecution which the Commissioners are taking is an admission of the absolute necessity of giving aid and protection to the prisoners in making their complaints, and a further admission that the allowance of this aid and protection is not inconsistent with the principle of the Royal Commission with which the Commissioners are entrusted.

This being so I cannot discover even the shadow of a reason why they should not receive that aid and protection in the way in which only all the experience of mankind shows that it can be effected.

The principle once conceded there is but one way of carrying it out. It is to me as simple as it is rational. Some person, whose knowledge and experience fitted him for the task, should be permitted to have free and confidential intercourse with the prisoners; he should be allowed to receive their statements, to examine and sift them in communications with the prisoners above, to use their statements as his own judgment might lead him in the course of the inquiry, to offer evidence in support of them as he thought fit, and above all to put questions to the officials of the prison in relation to them.

Those who have read the statements that have appeared as to former inquiries will know how little of real confidence will be given to the prisoners by an assurance from the Commissioners that nothing they say shall prejudice them. Since our former correspondence I have been shown communications which have come from some of the prisoners. I have been sent statements made by other prisoners to which I cannot more directly allude. A careful consideration of these materials has confirmed me in the conviction, which I now solemnly repeat, that there is no guarantee for the completeness of the investigation, except in the presence of some person who would be put in possession of those materials, and who would be in a position to use them for the purpose of searching out the truth, and testing any adverse statements that may be made.

As this is definitely refused I must decline any further interference in the matter. Whatever be the intentions or motives of the Commissioners, the public mind of Ireland as of the world will never understand why, if they admit the necessity of assistance to the prisoners, that assistance should not be efficacious and complete. It would be an intelligible reason to refuse any inquiry at all. It would be

equally intelligible to lay down the rule that all the investigation should originate with the Commissioners themselves, and that no interference on the part of anyone should be permitted. But I am unable to understand any principle upon which interference is permitted to the extent to which the Commissioners are willing to concede it, but denied to the extent which is necessary to make it really effectual—any principle upon which a friend is to be permitted to assist a prisoner in preparing his statements, or to be presumptuously excluded from aiding him in offering evidence, or in putting questions when the Commissioners come to inquire into its truth—above all, any principle which will justify the Commissioners in challenging the unfortunate prisoners to be accused, giving them every aid and facility to place themselves in that position, and leaving them alone and unprotected when they have done so.

My opinion of this mode of conducting an inquiry into the alleged inhumanity of gaols is not founded merely upon abstract principles, as it easily might be. It is founded upon my examination of the facts and circumstances of which information has been obtained. They never can be satisfactorily investigated by any other mode than that of allowing persons acting for the prisoners to conduct their own case. Lord Denham has made classical in relation to Irish affairs the memorable words, "a mockery, a delusion, and a snare." An investigation of complaints without hearing the complainants will, I am sure, be regarded as a mockery and a delusion. To invite any man, above all a prisoner in a convict prison, to become an accused without giving him the simplest power of making good his accusation is, I cannot help thinking, something very like a snare.

I have, &c.

ISAAC BUTT.

To W. Spencer Ollivant, Esq.,
Secretary to Prisoners' Inquiry Commission.

APPENDIX C.

LIST OF DOCUMENTS supplied for by the TREASON-FELONY PRISONERS, specifying those furnished to them.

44, Parliament Street,
September 9, 1879.
DEAR SIR,
I forward herewith, for the Commissioners appointed to inquire into the treatment of treason-felony convicts in English prisons, lists of documents supplied during the inquiry to those convicts at Chatham and Working prison, and also of all documents asked for by them and not supplied, in compliance with the request contained in your letter to the chairman of the 25th ult.
Yours faithfully,
CHESTER KARDY WILSON.
W. Spencer Ollivant, Esq.

CHATHAM PRISON.

9, 825, W. HALPIN.

List of Documents given to Prisoners.

Regulations to be given to treason-felony prisoners who wish to make statements.
Letters dated
6th June 1869.—J. F. O'Donnell
15th Sept. " —Hon. H. Fish and Mr. Green
26th Oct. " —Mr. Green
24th March 1870.—J. F. O'Donnell
11th " —J. H. Green
26th May " —Mr. L. Melley
Copy of extracts from governor's and directors' interview books.
Petition to Secretary of State.
Statement to Colonel Henderson.
Statement against Dr. Burns, governor, and Secretary of State, dated 30th August 1869.
Copy of prison offences and punishments.
Copy of medical case.

Documents applied for by Prisoner, but not given to him.

The record books of the governor, the director, and the medical officer, where they contain any record relating to me.

All the orders issued by the Home Secretary, the directors and governors of prisons in which I have been confined, that relate to me in any way.

All reports made by the subordinate officers to the said governors, by the governors to the directors, by the directors to the Home Secretary, and by the Home Secretary to the public through Parliament, the press, or in any other way, that relate to me or the treatment we have received.

All orders issued to the medical officer of this prison by the Home Secretary, the directors, or governors, and all his reports back to his superiors, relating to me.

All published matter, pamphlet articles, letters, &c., that had any influence in causing the appointment of the commission of inquiry.

All statements made by the British Government to the United States minister or the Government of the United States in reference to me, particularly the denial of the truth of certain published statements of our treatment made to the United States.

9, 825 J. O'D. ROSS.

List of Documents given to Prisoner.

Regulations to be given to treason-felony prisoners who wish to make statements.
Letters dated
25th Feb. 1868.—Father-in-law, Mr. M. Irvine
20th March 1868.—Wife, Mrs. O'D. Ross
1st April " —" "
21st " " —" "
1st Sept. " —Mr. M. Downing
Copy of extracts from governor's and directors' interview book.
Petition to Secretary of State (Mr. Walpole), written from Portland.
Petition to Secretary of State (Mr. Hardy), written from Millbank.
Suppressed letter, dated 24/9/67, to wife.
Do. do do. 17/10/67.
Copies of prison offences and punishments.
Copy of medical case.

Documents applied for by Prisoner, but not given to him.

The reports made against me in the several prisons, and my replies. (Compiled with as far as copy of reports and punishments.)

The reports made by the officers to the several governments
serving etc.

The reports made by the governors to the Board of Directors, and by them to the Secretaries of State, regarding the same.

The instructions from the directors to the governors regarding the

The characters that accompanied me to the several prisons.

The report of the prison inquiry made by Messrs. Knox and Pollock, '67.

The report of our treatment in the newspapers which urged the Government to grant this territory.

Suppressed letters written to me (Rome).

56. C. U. O'Connell.

List of Documents given to Proutier.

Regulations to be given to treason-felony prisoners who wish to make statements.

Letters dated

3rd April 1862.—T. N. Underwood, Esq. }
16th " " " } Suppressed
15th Sept. " " } Letters.
11th May. 1850.—J. L. Moxon.

Copy of extracts from governors' and directors' interview book.

Suppressed letter of C. O'Connell, dated 28/1/66, written at Portlaoine.

Suppressed letter, 1st dated Portland Prison,
28th May 1865. } Written

" 2nd dated Portland Prison, 16th August 1867. } at Portland.

Cases of prison officers and parliaments.

Copy of medical case.

Documents applied for by Prijemari, but not able to file

All the reports and statements, private and public, made by medical officers, governors, directors, and members of the British Government, in reference to me, including the orders and instructions from the Home Office and the directors of prisons in my case.

M. JAMES MCCARTHY

List of Documents given to Prisoner

Regulations to be given to treason-felony prisoners who wish to make statements.

Copies of governors' and directors' interview books, and record of prison offences.

Course of medical case

0.710. HENRY SHAW.

List of Documents also in French.

Regulations to be given to incense-burning prisoners who wish to make statements.

Suppressed letter from Mr. Merriam, dated 10th May 1856.

G. Jean Devoy

List of Documents since Prisoner

Regulations to be given to treason-felony prisoners who wish to make statements.

R. A. LAURENT

H. A. LEBLANC,
Deputy Governor in charge,
Chatham, 8th Sept. 1876.

WORKING PRISON

List of Documents supplied to the TREASON-BELONY PRISONERS, in reference to the Inquiry at this Prison
 into their Treatment, and also List of Documents asked for and not supplied.

| Reg. | Name. | Documents supplied. | Documents asked for and not supplied. | Remarks. |
|------|--------------|--|--|---|
| 2686 | Bryan Diller | <p>1 Suppressed letter, 20th September 1869.</p> <p>2 Suppressed letter, 2nd April 1869.</p> <p>3 Copies, applications to director, Woking.</p> <p>4 Copies, applications to governor, Woking, from 31st December 1867.</p> <p>5 Copies, medical case sheets, Woking.</p> <p>6 Copies, petition to Secretary of State, 26th May 1869.</p> <p>7 Copies, dates of applications for medical relief.</p> <p>8 Copies, medical officer's observations, Pentonville.</p> | <p>1 All reports or certificates in reference to his health, forwarded by the medical officers of Pentonville and Woking Prisons to the Secretary of State, board of directors, and governors of prisons.</p> <p>2 Reports made by the medical officer of Pentonville to the medical officer at Woking, on his removal.</p> <p>3 Rule of the House of Commons relative to the release of unwell convicts.</p> <p>4 Dates of his admission to hospital here, the means of admission, and the dates of discharge.</p> <p>5 Certificate of the medical officer of Woking Prison accompanying his petition to the Secretary of State, 26th May 1869.</p> <p>6 Reply, in full, of the Secretary of State to his petition of 26th May 1869.</p> <p>7 Dates, &c. of applications to governor, Woking, from 11th April 1866 to 30th December 1867. (See Remarks.)</p> <p>8 Copy of report of Messrs. Pollock and Knox.</p> <p>9 His weight on entry, and subsequent amounts at different periods.</p> <p>10 A pamphlet called "Things not generally known."</p> <p>11 Notes of Dr. Wilson's examinations of him on reception at Woking.</p> <p>12 Order of Secretary of State to directors or governors, directing them to overlook unwell convicts or inmates of prison rules by the trustees of Woking.</p> <p>13 Any other orders or instructions respecting them.</p> <p>14 Applications to Mr. Campbell, and his reply.</p> | <p>N.B. These could not be furnished, as the books containing them were long ago destroyed.</p> <p>Some remarks as to No. 12 above.</p> |

List of Documents supplied to the Treason-felony Prisoners, &c.—continued

| Reg. | Name. | Documents supplied. | Documents asked for and not supplied. | Remarks. |
|-------|---------------------|---|--|---|
| 3,445 | John Murphy | - Nil - - - - - | - Nil - - - - - | Did not apply for any. |
| 3,427 | William F. Houston. | 1 Number and date of letters written here. 2 Reports entered in penal record. (Copy.) 3 Copies, interviews with director, Woking. 4 Copies, interviews with director, Portland. 5 Copies, interviews with governor, Woking. 6 Copies, interviews with governor, Portland. 7 Copies, interviews with governor, Pentonville. 8 Copies, medical case sheets, Woking. 9 " " medical case sheets, Portland. 10 " " medical history, Pentonville. 11 Suppressed letter, 6th April 1868, Woking. 12 Suppressed letter, 30th January 1863, Woking. 13 Suppressed letter, 6th June 1866, Portland. 14 Suppressed letter, 22nd June 1866, Portland. 15 Suppressed letter, 24th November 1866, Portland. 16 Suppressed letter, 12th February 1866, Pentonville. 17 Copy, petition to Secretary of State, 16th August 1867. 18 Statement to directors, 30th June 1862. 19 Two letters from steward's store. | - - - - - | Documents 18 and 19, supplied to prisoners, are now in the hands of the Commission. |
| 3,134 | Denn D. Malinby. | 1 Suppressed letter, 1st January 1858. 2 " " 7th October 1859. 3 " " 29th October 1859. 4 " " 8th December 1859. 5 Copies, interviews with director, Woking. 6 Copies, interviews with director, Portland. 7 Copies, interviews with director, Millbank. 8 Copies, interviews with director, Pentonville. 9 Copies, interviews with governor, Woking. 10 Copies, interviews with governor, Portland. 11 Copies, interviews with governor, Millbank. 12 Copies, interviews with governor, Pentonville. 13 Copies, reports in penal record. 14 Medical notes, Millbank. 15 " " history, Dartmoor. 16 " " case sheets, Woking. 17 Report of his treatment from the time of his arrival at, to the time of his departure from, Portland. 18 Statement to directors, 15th October 1867. 19 Copy, petition to Secretary of State, 10th August 1868. 20 Statement to directors, 15th February 1870. 21 Suppressed letter, Dartmoor, 18th February 1867. 22 Copies, applications to governor, Dartmoor, and replies. 23 Copies, petition to Secretary of State, 18th November 1868. | 1 Absence of quality and kind of food returned by him. 2 His weight in this prison. 3 Notes found on him at Millbank. 4 Copy report of Messrs. Pollock and Knox. 5 Reply to petition to Secretary of State, 16th August 1869. 6 Medical certificate forwarded with diary. | |
| 3,345 | Thomas Burke. | 1 Suppressed letter, 6th April 1869. 2 Statement to directors, 21st November 1868. 3 Statement to directors, 20th April 1862. 4 Copy, petition to Secretary of State, 10th August 1869. | 1 Reply of Secretary of State to petition, 16th August 1869. 2 Replies of directors to statements, 21st November 1868, and 23rd April 1869. | |
| 3,727 | Patrick Ryan | - Nil - - - - - | - Nil - - - - - | Did not apply for any. |
| 4,663 | Richard Burke. | - Nil - - - - - | - Nil - - - - - | Did not apply for any. |

List of Documents supplied to the Treason-felony Prisoners, &c.—continued.

| Reg. | Name. | Documents supplied. | Documents asked for and not supplied. | Remarks. |
|-------|--------------|---|--|----------|
| 4,064 | Edward Pown. | <p>1 Suppressed letter.</p> <p>2 " " " Portland.</p> <p>3 " " " " "</p> <p>4 Copies, interviews with directors, Woking.</p> <p>5 Copies, interviews with directors, Portland.</p> <p>6 Copies, interviews with directors, Millbank.</p> <p>7 Copies, interviews with governors, Woking.</p> <p>8 Copies, interviews with governors, Portland.</p> <p>9 Copies, interviews with governors, Millbank.</p> <p>10 Copies, reports in penal record.</p> <p>11 Medical case sheets, Woking.</p> <p>12 " " " Portland.</p> <p>13 Medical notes (Dr. Governor), Millbank.</p> <p>14 18 letters received while at Portland. (From the steward's store.)</p> <p>15 Petition to Secretary of State, 31st December 1865. (Copy)</p> | <p>1 Medical certificate accompanying petition to Secretary of State of 31st December 1865.</p> <p>2 All certificates on reference to his health, by medical officers of Millbank, Portland, and Woking prisons, forwarded to the Secretary of State, board of directors, and governors of prisons.</p> <p>3 Reports made by one medical officer to the other on his removal from one prison to another.</p> <p>4 Note of the Home Office relative to the release of invalid convicts.</p> | |

APPENDIX D.

SCALE OF DIET IN ENGLISH CONVICT PRISONS.

MILLBANK AND PENTONVILLE.

SCALE OF DIET FOR MALE CONVICTS IN INDUSTRIAL EMPLOYMENT.

Breakfast.

$\frac{1}{2}$ pint scones, containing—
 $\frac{1}{2}$ oz. scones.
 $\frac{1}{2}$ oz. milk.
 $\frac{1}{2}$ oz. molasses.

Bread.

Dinner.

Sunday — { 4 oz. plain bread.

Monday and Wednesday — { 4 oz. mutton without bone, and after being cooked
 1 lb. potatoes

Tuesday — { 1 pint soup, containing—
 8 oz. shins of beef.
 1 oz. pearl barley.
 3 oz. fresh vegetables, including onions.
 $\frac{1}{2}$ oz. flour and $\frac{1}{2}$ oz. pepper per cent.
 1 lb. potatoes; bread.

Thursday — { 1 lb. sweet pudding, containing—
 $\frac{1}{2}$ lb. oat. meal.
 $\frac{1}{2}$ lb. flour.
 $\frac{1}{2}$ lb. water.
 1 lb. potatoes; bread.

Friday and Saturday — { 4 oz. beef without bone, and after being cooked
 1 lb. potatoes; bread.

Supper.

1 pint gruel, containing—
 $\frac{1}{2}$ oz. oatmeal.
 $\frac{1}{2}$ oz. molasses.
 $\frac{1}{2}$ oz. milk.

Bread, per week — 148 oz.
 " per week day — 20 "
 " each Sunday — 28 "

HOSPITAL DIETS FOR MALE AND FEMALE CONVICTS.

Sanctuary Order No. 313.

45, Parliament Street, October 1, 1868.

The following scales have been approved on the future diets to be adopted in the convict hospitals for males and females from and after 1st October next:—

1. The beef and mutton for the various diets are to be of good quality, and must weigh in the raw state, inclusive of bone, the weight specified in the diet table.

2. The meat for half-diet (No. 2, scale for males) may be used for beef tea, so as to make three-fourths of a pint of good beef tea for each patient on such diet. When the barley and flour are not used 2 oz. extra of bread may be given in lieu.

3. When necessary, beef tea will be substituted for all diets for males and females in such quantities as the medical officer may consider necessary.

4. Fowl (weighing not less than 1½ lbs. when trussed ready for cooking) or fish, may be substituted for meat to the patients on half diet at the rate of 8 oz. for each diet.

5. The following items of extra and medical comforts will be sanctioned for issue in such manner and in such quantities as the medical officer may consider necessary for the benefit of the patients:—

| | | |
|------------|----------|-----------------|
| Arrowroot. | Jelly. | Alc. |
| Bacon. | Lemons. | Porter. |
| Barley. | Onions. | Stout, bottled. |
| Beetroot. | Oranges. | Brandy. |
| Butter. | Rice. | Gin. |
| Eggs. | Sago. | Wine. |
| Fruit. | Sauces. | Soda water. |
| Java. | Sugar. | |

6. The meat on scales No. 1, when not baked or roasted, is to be boiled with the vegetables, barley, and flour. The vegetables to consist of carrots, turnips, and onions.

7. The meat, when not made into soup, is to be roasted, baked, or stewed, and 2 oz. extra of bread will be given in lieu of barley and flour, and the vegetables, consisting of carrots and turnips, or cabbage, are to be cooked in milk, and served up to each patient in the proportion specified.

8. For beef diets (sanctified) may be issued in the proportion of 1 oz. per 30 diets, No. 1 scale; and for soup diets, or

beef tea, pepper for seasoning will be allowed at the rate of 1½ oz. per 100 diets.

9. When potatoes cannot be procured of a sufficiently good quality either 3 oz. rice, 5 oz. flour, or 8 oz. bread, may be issued in lieu of 16 oz. potatoes.

10. Preserved potatoes, when issued, will be in the pro-

portion of 1 oz. preserved to 5 oz. fresh, and 1 oz. of mixed preserved vegetables in lieu of 10 oz. fresh.

11. Half an ounce of coffee may be substituted for ½ oz. tea at breakfast and supper. Milk, wine, and spirits are to be calculated at 20 oz. to the imperial pint.

E. Y. W. HENDERSON.

SCALE OF HOSPITAL DIETS FOR MALES.

| No. 1. Full Diet. | No. 2. Half Diet. | No. 3. Pudding Diet. | No. 4. Low or Spoon Diet. |
|--|---|---|---|
| Meat - - - - - oz. 10 Bread - - - - - " 20 Potatoes - - - - - " 8 Barley - - - - - " 14 Salt - - - - - " ½ Tea - - - - - " ½ Sugar - - - - - " 10 Milk - - - - - " 4 Vegetables - - - - - " 4 Flour - - - - - " ½ | Meat - - - - - oz. 5 Bread - - - - - " 10 Potatoes - - - - - " 4 Barley - - - - - " 7 Salt - - - - - " ¼ Tea - - - - - " ¼ Sugar - - - - - " 5 Milk - - - - - " 2 Vegetables - - - - - " 2 Flour - - - - - " ¼ | Bread - - - - - oz. 12 Milk - - - - - pint 2 also Butter pudding. Flour - - - - - oz. 3 Egg - - - - - No. 1 Milk - - - - - oz. 10 or Rice pudding. Rice - - - - - oz. 2 Egg - - - - - " 1 Milk - - - - - pint 1 Sugar - - - - - oz. 1 Nothing. | Bread - - - - - oz. 8 Tea - - - - - " ½ Sugar - - - - - " 10 Milk - - - - - " 4 also Arrowroot - - - - - " 1 Sugar - - - - - " 1 Milk - - - - - " 20 |
| When the meat is roasted, baked, or stewed— Bread 20 oz. (being 2 oz. extra) in lieu of barley and flour. | | | |

Total DIETS distributed as under.

| Breakfast. | Breakfast. | Breakfast. | Breakfast. |
|--|--|--|---|
| Tea - - - - - pint 1 Bread - - - - - oz. 8 | Tea - - - - - pint 1 Bread - - - - - oz. 8 | Bread - - - - - oz. 6 Milk - - - - - pint 1 | Tea - - - - - pint 1 Bread - - - - - oz. 4 |
| Dinner. | Dinner. | Dinner. | Dinner. |
| Soup - - - - - pint 1 Meat - - - - - " 1 Bread - - - - - oz. 4 Potatoes - - - - - " 8 | Soup - - - - - pint 1 Meat - - - - - " 1 Bread - - - - - oz. 4 Potatoes - - - - - " 8 | Butter or rice pudding. Rice - - - - - oz. 2 Egg - - - - - " 1 Milk - - - - - pint 1 Sugar - - - - - oz. 1 | Arrowroot, made with milk. |
| When the meat is roasted, baked, or stewed— Meat - - - - - " 1 Bread - - - - - oz. 8 Potatoes - - - - - " 8 Vegetables - - - - - " 4 | | | |
| Supper. | Supper. | Supper. | Supper. |
| Same as breakfast. | Same as breakfast. | Same as breakfast. | Same as breakfast. |

SCALE OF HOSPITAL DIETS FOR FEMALES.

| No. 1. Full Diet. | No. 2. Pudding Diet. | No. 3. Low or Spoon Diet. |
|---|---|--|
| Meat - - - - - oz. 10 Bread - - - - - " 18 Potatoes - - - - - " 12 Barley - - - - - " 14 Salt - - - - - " ½ Tea - - - - - " ½ Sugar - - - - - " 10 Milk - - - - - " 4 Vegetables - - - - - " 4 Flour - - - - - " ½ | Bread - - - - - oz. 16 Tea - - - - - " ½ Sugar - - - - - " 10 Milk - - - - - " 6 and Butter pudding. Flour - - - - - oz. 3 Egg - - - - - " 1 Milk - - - - - oz. 10 or Rice pudding. Rice - - - - - oz. 2 Egg - - - - - " 1 Milk - - - - - pint 1 | Bread - - - - - oz. 8 Tea - - - - - " ½ Sugar - - - - - " 10 Milk - - - - - " 4 also Arrowroot - - - - - " 1 Sugar - - - - - " 1 |
| When the meat is roasted, baked, or stewed— Bread 18 oz. (being 2 oz. extra) in lieu of barley and flour. | | |

Total Diets distributed as order.

| No. 1. Full Diet. | No. 2. Pudding Diet. | No. 3. Low or Spoon Diet. |
|--|-------------------------|---------------------------|
| <i>Breakfast.</i> | <i>Breakfast.</i> | <i>Breakfast.</i> |
| Tea - - - pint 1 | Tea - - - pint 1 | Tea - - - pint 1 |
| Bread - - - oz. 6 | Bread - - - oz. 8 | Bread - - - oz. 4 |
| <i>Dinner.</i> | <i>Dinner.</i> | <i>Dinner.</i> |
| Soup - - - pint 1 | Butter or rice pudding. | Arrowroot. |
| Meat - - - " | | |
| Bread - - - oz. 4 | | |
| Potatoes - - - " 12 | | |
| When the meat is roasted, baked, or stewed— | | |
| Mint - - - " | | |
| Bread - - - oz. 5 | | |
| Potatoes - - - " 15 | | |
| Vegetables - - - " 4 | | |
| <i>Supper.</i> | <i>Supper.</i> | <i>Supper.</i> |
| Same as breakfast. | Same as breakfast. | Same as breakfast. |

The issue not exceeding 1 ounce of butter will be allowed at the discretion of the medical officer for each female convict in hospital.

PORTLAND, PORTSMOUTH, DARTMOOR, PARK-HURST, AND WOKING.—DIETARIES FOR CONVICTS AT PUBLIC WORKS.

HARD LABOUR.

Breakfast.

$\frac{1}{2}$ pint cocoa, containing $\left\{ \begin{array}{l} \frac{1}{2} \text{ oz. cocoa.} \\ \frac{1}{2} \text{ oz. milk.} \\ \frac{1}{2} \text{ oz. molasses.} \end{array} \right.$

Bread (see below).

Dinner.

Sunday - $\left\{ \begin{array}{l} 4 \text{ oz. cheese.} \\ \text{bread.} \end{array} \right.$

Monday and Saturday - $\left\{ \begin{array}{l} 5 \text{ oz. beef} \\ \text{without bone,} \\ \text{and after being} \\ \text{cooked} \end{array} \right. \left\{ \begin{array}{l} \text{with its own liquor, flavoured} \\ \text{with } \frac{1}{2} \text{ oz. onion, and thickened with } \frac{1}{2} \text{ oz.} \\ \text{flour and any bread and potatoes left on the pre-} \\ \text{vious days, and } \frac{1}{2} \text{ oz. pepper per cent.} \end{array} \right.$

1 lb. potatoes; bread.

Tuesday and Friday - $\left\{ \begin{array}{l} 1 \text{ pint soup,} \\ \text{containing—} \end{array} \right. \left\{ \begin{array}{l} 8 \text{ oz. slices of beef.} \\ 1 \text{ oz. pearl barley.} \\ 2 \text{ oz. fresh vegetables.} \\ 1 \text{ oz. onion.} \end{array} \right.$

1 lb. potatoes; bread.

Wednesday - $\left\{ \begin{array}{l} 5 \text{ oz. mutton} \\ \text{without bone,} \\ \text{and after being} \\ \text{cooked} \end{array} \right. \left\{ \begin{array}{l} \text{with its own liquor, fla-} \\ \text{voured and thickened as} \\ \text{above.} \end{array} \right.$

1 lb. potatoes; bread.

Thursday - $\left\{ \begin{array}{l} 1 \text{ lb. sweet pudding,} \\ \text{containing—} \end{array} \right. \left\{ \begin{array}{l} 1\frac{1}{2} \text{ oz. suet.} \\ 8 \text{ oz. flour.} \\ 6\frac{1}{2} \text{ oz. water.} \end{array} \right.$

1 lb. potatoes; bread.

Supper.

1 pint gruel containing $\left\{ \begin{array}{l} 2 \text{ oz. oatmeal.} \\ \frac{1}{2} \text{ molasses, or salt.} \end{array} \right.$

Bread (see below).

Bread, per week - 168 oz.
each week day - 25 "
each Sunday - 30 "

SCALE OF DIET.—CHATHAM.

HARD LABOUR.

Breakfast.

1 pint cocoa, containing $\left\{ \begin{array}{l} \frac{1}{2} \text{ oz. cocoa.} \\ \frac{1}{2} \text{ oz. milk.} \\ \frac{1}{2} \text{ oz. molasses.} \end{array} \right.$

Bread, 11 oz.

Dinner.

Sunday - $\left\{ \begin{array}{l} 1 \text{ pint soup,} \\ \text{containing—} \end{array} \right. \left\{ \begin{array}{l} 4 \text{ oz. pork.} \\ 4 \text{ oz. potato.} \\ \frac{1}{2} \text{ oz. ringlard.} \\ \frac{1}{2} \text{ oz. onion.} \end{array} \right.$

Bread, 5 oz.

Monday and Saturday - $\left\{ \begin{array}{l} 5 \text{ oz. beef} \\ \text{without bone,} \\ \text{after being} \\ \text{cooked} \end{array} \right. \left\{ \begin{array}{l} \text{with its own liquor, fla-} \\ \text{voured with } \frac{1}{2} \text{ oz. onion,} \\ \text{and thickened with } \frac{1}{2} \text{ oz.} \\ \text{flour and any bread and} \\ \text{potatoes left on the pre-} \\ \text{vious day, and } \frac{1}{2} \text{ oz.} \\ \text{pepper per cent.} \end{array} \right.$

Potatoes, 1 lb.; bread, 5 oz.

Tuesday and Friday - $\left\{ \begin{array}{l} 1 \text{ pint soup,} \\ \text{containing—} \end{array} \right. \left\{ \begin{array}{l} 8 \text{ oz. slices of beef.} \\ 1 \text{ oz. pearl barley.} \\ 2 \text{ oz. fresh vegetables.} \\ 1 \text{ oz. onion. Thickening} \\ \text{the same as on Mondays} \\ \text{and Saturdays.} \end{array} \right.$

Cheese, 2 oz.; potatoes, 1 lb.; bread, 5 oz.

Wednesday - $\left\{ \begin{array}{l} 5 \text{ oz. mutton} \\ \text{without bone,} \\ \text{after being} \\ \text{cooked} \end{array} \right. \left\{ \begin{array}{l} \text{with its own liquor, fla-} \\ \text{voured and thickened as} \\ \text{above.} \end{array} \right.$

Potatoes, 1 lb.; bread, 5 oz.

Thursday - $\left\{ \begin{array}{l} 1 \text{ lb. sweet pudding,} \\ \text{containing—} \end{array} \right. \left\{ \begin{array}{l} 1\frac{1}{2} \text{ oz. suet.} \\ 8 \text{ oz. flour.} \\ 6\frac{1}{2} \text{ oz. water.} \end{array} \right.$

Potatoes, 1 lb.; bread, 5 oz.

Supper.

1 pint gruel.
8 oz. bread.

SCALE OF DIET FOR USE IN ALL MALE PRISONS.

LIGHT LABOUR.

Breakfast.

$\frac{1}{2}$ pint cocoa containing $\left\{ \begin{array}{l} \frac{1}{2} \text{ oz. cocoa.} \\ \frac{1}{2} \text{ oz. milk.} \\ \frac{1}{2} \text{ oz. molasses.} \end{array} \right.$

Bread (see below).

SCALE OF DIET—continued.

| Dinner. | | | |
|------------------------|--|---|---|
| Sunday | { 4 oz. cheese. baked. | Wednesday | { 1 oz. mutton without bone, after being cooked } with its own liquor, flavoured and thickened as above. 1 lb. potatoes; bread. |
| Monday and Saturday | { 4 oz. beef without bone, after being cooked } with its own liquor, flavoured with $\frac{1}{2}$ oz. salt, and thickened with $\frac{1}{2}$ oz. flour, and any bread and potatoes left on the previous day, and 4 oz. pepper per cook. 1 lb. potatoes; bread. | Thursday | { $\frac{1}{2}$ lb. meat pudding, containing— } $\frac{1}{2}$ oz. meat. 3 oz. flour. 3 oz. water. 1 lb. potatoes; bread. |
| Tuesday and Friday | { 1 pint soup, containing— } 6 oz. shins of beef. 1 oz. pearl barley. 2 oz. fresh vegetables. 2 oz. onions. $\frac{1}{2}$ lb. potatoes; bread. | Supper. | |
| | | 1 pint gruel, containing { 2 oz. oatmeal. 1 oz. molasses. Bread (see below). Bread, per week - 115 oz. " each week day - 20 " " each Sunday - 25 " | |

WORKING PRISON.

SCALE OF HOSPITAL DIET FOR MALES.

| No. 1 Full Diet. | No. 2 Half Diet. | No. 3 Pudding Diet. | No. 4 Low Diet. |
|---|--|---|--|
| Meat - - - oz. 10 Bread - - - " 20 Potatoes - - - " 8 Butter - - - " 14 Salt - - - " 04 Tea - - - " 04 Sugar - - - " 14 Milk - - - " 4 Vegetables - - - " 4 Flour - - - " 04 | Meat - - - oz. 8 Bread - - - " 15 Potatoes - - - " 8 Barley - - - " 14 Salt - - - " 04 Tea - - - " 04 Sugar - - - " 14 Milk - - - " 4 Vegetables - - - " 4 Flour - - - " 04 | Bread - - - oz. 18 Milk - - - pints 2 Also Butter pudding. Flour - - - oz. 4 Egg - - - 1 Milk - - - " 10 Or Rice pudding. Rice - - - oz. 8 Egg - - - 1 Milk - - - pint 1 Sugar - - - oz. 1 Malt. | Bread - - - oz. 8 Tea - - - " 04 Sugar - - - " 14 Milk - - - " 4 Also Arrowroot - - - oz. 1 Sugar - - - " 1 Milk - - - " 24 |
| When the meat is roasted, baked, or stewed— Bread 22 oz. (being 2 oz. extra) in lieu of barley and flour. | When the meat is roasted, baked, or stewed— Bread 18 oz. (being 2 oz. extra) in lieu of barley and flour. | | |

Total DIETS distributed as under.

| Breakfast. | Breakfast. | Breakfast. | Breakfast. |
|--|--|--|---------------------------------------|
| Tea - - - pint 1 Bread - - - oz. 8 | Tea - - - pint 1 Bread - - - oz. 8 | Bread - - - oz. 6 Milk - - - pint 1 | Bread - - - oz. 4 Tea - - - pint 1 |
| Dinner. | Dinner. | Dinner. | Dinner. |
| Meat - - - Soup - - - pint 1 Bread - - - oz. 4 Potatoes - - - " 8 | Soup - - - pint 1 Meat - - - Bread - - - oz. 4 Potatoes - - - " 8 | Butter or rice pudding. | Arrowroot made with milk. |
| When the meat is roasted, baked, or stewed— Meat - - - Bread - - - oz. 4 Potatoes - - - " 8 Vegetables - - - " 4 | When the meat is roasted, baked, or stewed— Meat - - - Bread - - - oz. 6 Potatoes - - - " 8 Vegetables - - - " 4 | | |
| Supper. | Supper. | Supper. | Supper. |
| Same as breakfast. | Same as breakfast. | Same as breakfast. | Same as breakfast. |

W. J. N. HARRIS,
Deputy Governor.
22nd July 1870.

APPENDIX F.

PAPER relating to TREASON-FELONY PRISONERS' DIET.

Immediate.

Sir, Whitehall, August 23, 1869.
I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 13th instant, forwarding petitions from Thomas Burke and Denis D. Mulcahy, two treason-felony convicts in Woking prison, complaining of the insufficiency of their diet, and alleging that their health has suffered in consequence.

It appears from the enclosures accompanying your letter that on a former occasion, under similar circumstances to the present—viz., failure of health from rejection of food—these men were removed to the prison hospital; but it would seem that they do not now seek to return to the hospital, but assert that they should prefer working at the convict prison, if they could get a diet which they could use.

Mr. Bruce gathers from the representations in their memorial that it is not so much a more generous as a different diet which they ask for; and he is of opinion that in the case of these political prisoners, especially when confined for life or a long period of years, some relaxation of the strict rules of diet might, in accordance with the practice of most countries, be allowed.

I am, &c.

(Signed) A. F. O. LEBDELL.

Captain Du Cane, R.E.
&c. &c. &c.

(Copy.)

Sir, Whitehall, September 7, 1871.
I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 30th ultimo, forwarding medical reports in the cases of Thomas Burke and Denis D. Mulcahy in Woking prison, and to state that he wishes these convicts to be placed upon the full hospital diet suggested by Dr. Campbell, consisting of baked beef with vegetables and bread on Tuesday and Friday, and baked mutton, soup, bread, and vegetables on Thursday.

I am, &c.

(Signed) A. F. O. LEBDELL.

Captain Du Cane, R.E.
&c. &c. &c.

(Copy.)

Sir, Whitehall, December 2, 1869.
HAVING laid before Mr. Secretary Bruce your letter of the 24th ultimo, I am directed to signify to you his approval of the recommendation of the medical officer of

the Woking male convict prison, that the diet which was authorised by the Secretary of State for treason-felony convicts Thomas Burke and Denis D. Mulcahy should be extended to the other prisoners of that class in confinement in that prison.

I am, &c.

(Signed) A. F. O. LEBDELL.

Captain Du Cane, R.E.
&c. &c. &c.

EXTRACT FROM MONTHLY MEDICAL REPORT.

Chatham Convict Prison,

September 6, 1869.

On the 23rd August most notice was recommended to be issued in lieu of soup to the treason-felony prisoners on Sundays, Tuesdays, and Fridays, and this change of diet was approved by the directors.

EXTRACT FROM ANNUAL MEDICAL REPORT.

Chatham Convict Prison,

January 12, 1870.

Several of the prisoners have at times refused their food. In May four of the treason-felony prisoners, and in August all the latter, refused portions of the usual diet, and made a general complaint, which on application being made to you, you were pleased to approve, and alter on certain particulars, since which time very few complaints have been made on the subject.

Chatham Convict Prison,

May 27, 1870.

Sir, These treason-felony prisoners being in the constant habit of refusing the meat pudding which constitutes the usual prison diet on Thursday, from its producing indigestion, and this in my opinion being the natural result of want of sufficient exercise at their work, or at the time allowed for that purpose, I beg to recommend the issue of better pudding in the proportions and in the infrequency such as a substitute for the meat pudding supplied to the other prisoners on Thursdays, these prisoners having expressed a desire for such a change.

I am, &c.

JOHN J. D. BURNS.

W. Egan, Esq., Director.

CHATHAM PRISON.

DENTS OF TREASON-FELONY CONVICTS.

| Days. | Bread. | Cheese. | Eggs. | Butter. | Milk. | Meat. | | Sugar. | Tea. | Vegetables. | | |
|--------------------------|--------|---------|-------|---------|-------|----------|----------|--------|------|-------------|--------|-------|
| | | | | | | Beef. | Mutton. | | | Cornish. | Onion. | Peas. |
| Sundays - - - | oz. 30 | — | — | — | oz. 4 | — | 3 roasts | oz. 2½ | — | — | — | lb. 1 |
| Monday and Saturdays - - | — | — | — | — | — | 9 boiled | — | — | — | — | — | 1 |
| Tuesdays and Fridays - - | — | — | — | — | — | — | 9 roasts | — | — | — | — | 1 |
| Wednesdays - - - | — | — | — | — | — | — | 9 boiled | — | — | — | — | 1 |
| Thursdays - - - | — | — | 1 | — | 14 | — | — | — | — | — | — | 1 |

REMARKS.—Pepper, ½ per cent. every day except Thursday. Salt, ½ oz. daily. 9 oz. raw meat produces 3 oz. cooked.

AUTHORISED CHANGES FROM ORDINARY DIETS.

Tea for breakfast and supper, in lieu of cocoa and groat, 2nd August 1869.

Mutton (baked) on Sundays, Tuesdays, and Fridays, in lieu of soup, 30th August 1869.

Peas, butter, in lieu of meat, on Thursdays, 27th May 1870.

Handed in by Dr. Burns.

APPENDIX G.

LETTERS RELATING TO J. O'DONOVAN ROSSA.

(Copy.)

SIR,
 Chatham Prison, May 28, 1869.
 I HAVE the honour to forward extracts from the penal records of O'DONOVAN ROSSA and the other treason-felony convicts now confined in this prison, showing, as accurately as possible, the conduct of these prisoners since the inquiry into their treatment conducted by Messrs. KNOX and POLLOCK, in May 1867; and also showing the particulars awarded them for infraction of prison rules, &c.

I further forward a report to the medical officer relative from the present state of health of these prisoners, and also relative to their diet, in whose remarks I fully concur.

When O'DONOVAN ROSSA was first transferred to this prison from Millbank, on the 24th February 1863, he was then the only convict in the group consisted of treason-felony, and was placed at labour with a party of which every man was specially selected for his good conduct, and with which party he continued to be attached until the arrival of treason-felony convicts HUGHES, WARREN, and COSMIDIO, in the following August, when the treason-felony convicts were ordered to be kept quite apart from the other convicts, and have as kept ever since.

The conduct of O'DONOVAN ROSSA from the time of his arrival at the prison in February 1863, up to the end of September of the same year, was about as bad and outrageous as was possible, as shown to a certain extent by the punished offences recorded against him; but those passed over, and not recorded, were far more numerous than not so serious.

I forbear saying more with regard to the conduct of this prisoner at this time, lest I should be considered prejudiced against him in consequence of the unprovoked and disgusting assault he committed on myself in June of the same year. I am, however, glad to say that he has kept the promise of untroubled conduct he made to Captain DU CANE last November, having since that period been the best behaviourer of the whole number of these convicts.

The feeling of one and all of these prisoners appears to be to give as much trouble as possible to every individual with whom they in any way come in contact, to do as little work as they can help, to oppose the orders given them as far as they dare, or consider prudent, and to imagine that they are ill-treated because the ordinary rules of the prison are not strictly dispensed with in their cases and they are not allowed a different diet to other prisoners; and I regret to add, that in stating their supposed grievances an adherence to facts appears to be one of the last things considered requisite.

I am, &c.

(Signed) T. F. POWELL, Governor.

Wm. Fegins, Esq.

(Copy.)

SIR,
 Chatham Prison, June 4, 1869.
 WITH reference to your telegram requesting to know how many days (Reg. No. 3,543) JEREMIAH O'DONOVAN ROSSA was placed in handcuffs after his assault upon me, I have the honour to inform you that he was placed in them on the morning of the 17th of June, and kept in them each successive day as a measure of precaution to prevent his repeating a similar act when visited by other myself or any officer of the prison, till the 26th July; the handcuffs being invariably removed each day at 7.45 p.m., and not replaced till the following morning.

At 2 p.m. on the 30th July he was released from them, when he at once commenced to damage his cell, and at 4.15 p.m. I was compelled to place them on him again, to restrain him from committing further damage; he was released at night, and placed in them on the following day till night time. On the 22nd he was finally released from them at 12 at noon.

This prisoner's conduct at this time was most outrageous, and perhaps no stronger proof of the necessity of the precaution could be adduced, than that immediately on his being released from the handcuffs on the 26th July he commenced destroying his cell.

I have, &c.

(Signed) T. F. POWELL, Governor.

Wm. Fegins, Esq.
&c.

&c.

COPY OF REPLIES TO THE STATEMENT EXTENDED FROM THE "IRISHMAN" NEWSPAPER.

PRISONER O'DONOVAN ROSSA has been employed for more than two months in mending stockings, but previously he had been employed since last November in cutting up small pieces of refuse wool for the purpose of lighting fires, worked occasionally by sawing to weed the yards of the prison. Since his reception at this prison his weight has increased from 163½ lbs. to 176 lbs., and his appearance betokens the improvement shown by his increased weight.

After the unprovoked and disgusting assault the prisoner committed on myself last June, as a measure of precaution he was restrained in handcuffs during the day, in order to prevent his repeating such disgusting conduct when visited by other myself or any other officer of the prison, but they were invariably taken off at night, and with the exception of the first day, when his hands were placed in front to assist of his seeing his meals, his hands were not placed behind his back during the whole period, neither was he ever during that period placed in a dark cell, and he was receiving during the whole of the time the ordinary light labour diet of the prison; but some few days after he was released from the handcuffs he destroyed all the fittings of his cell, and while the cell was under repair he was placed in a dark cell (being a place in which he could do no further injury) for the time, a period of three days, but he was not then restrained in handcuffs. According to the rules laid down for my guidance, prisoner O'DONOVAN ROSSA has up to the present time only been entitled to write one letter since his reception into this prison, though owing to the consideration of the directors, an opportunity has been given to him of writing no less than five, but in consequence of the false statements he has persisted in making in all of them they have been compelled to suppress them. Of the charge stated to have been made against him of intruding with another man's wife, I know nothing whatever. No such charge has ever been made here or ever thought of.

I am, &c.

(Signed) T. F. POWELL, Governor.

Chatham Prison,
May 28, 1869.

(Copy.)

SIR,
 Chatham Prison, August 19, 1869.
 IN compliance with your instructions I beg to state that I was present at the interview which took place between Messrs. McCarty Downing, M.P., and Blake, M.P., and treason-felony convict J. O'D. ROSSA, at this prison, on the 30th of July last, and that at that interview the prisoner O'DONOVAN ROSSA stated that he had had to eat some of his meals on his knees or his belly, like a dog or a beast, or words to that effect, as his hands were manacled behind; but he also said, in reply to questions put to him by these gentlemen, that after a time, when the handcuffs were in front, he could see a spoon.

After the interview with prisoner O'D. ROSSA these gentlemen accompanied Captain HARDY to his office, to have an interview with treason-felony prisoner BURKE, as I was ordered to be present with ROSSA before the Commissioners from Ireland, who were visiting to take his evidence in a case of libel.

I also beg to forward a statement from Captain HARDY on this subject, and to return the accompanying Home Office papers.

I am, &c.

JAMES FARMERHURST, Deputy Governor.

Captain Stopped, &c. &c.

(Copy.)

SIR,
 Chatham Prison, August 19, 1869.
 I HAVE the honour to inform you, with reference to the recent visit of Messrs. Blake and Downing, M.P.'s, to this prison, that I was not present at the interview between these gentlemen and prisoner J. O'D. ROSSA as was intimated. I had some conversation with them in my office on the subject of the restraint in handcuffs behind his back; and when Mr. Downing informed me that the prisoner

had distinctly stated to him that he had been so handcuffed for the whole period of 38 days, I assured him that it was not the case, and offered to set the matter at rest by sending for the separate cell book. On reflection, however, I felt that I was not warranted in showing person records to any stranger in the absence of the governor, and told Mr. Dwyer to go on return to the office.

With reference to my evidence, recently taken by the director, I wish to rectify a mistake I made with regard to my visiting the separate cells. Instead of visiting them on alternate days with Captain Harvey, it was on alternate weeks.

I have, &c.
C. HARDY,
Deputy Governor.

Captain Stephen,
Director of Convict Prisons.

(Copy.)

SIR, Addingham Viaduct, September 3, 1893.
In consequence of my having arrived here two days later than I had previously anticipated, I did not receive your communication of the 30th inst. forwarding the enclosed Home Office letter, till after past time last night, or it should have reached an earlier reply.

With regard to its contents, I can but state that, to the best of my recollection and belief, witness-fugitive convict O'Donovan Rossa was not handcuffed behind at all after my return from here on the 20th of June 1893.

I have perfect recollection on the 14th of that month, previous to going on leave for three days, giving Captain Harvey authority to place prisoner O'Donovan Rossa in handcuffs behind during the day if he considered it desirable, distinctly stating that the handcuffs must be removed altogether at night, whether the prisoner was handcuffed before or behind; and I am perfectly satisfied, from all the testi-

mony I have received, that this order was complied with, and that the second entry in the separate cell book does not imply that "at 7.30 p.m. on the 17th of June the handcuffs were only removed from behind to before," but that they were removed altogether for the night.

I feel satisfied that my positive orders on such a subject would not have been disregarded, and I am further led to the same conclusion by there being other entries of a similar character in the separate cell book, when prisoners have been released altogether from being handcuffed behind.

When the question was first raised in May last, the evidence of warden Brown (the warden doing duty in the separate cells at the time O'Donovan Rossa was placed in handcuffs), backed, as it appears to me to be, by the entries in the chief warden's communique book and the separate cell book, left me no doubt in my mind at the time that the prisoner was not kept in handcuffs behind for more than the 17th June, and I remarked accordingly; but from the evidence that has lately been adduced, there appears some reason for doubt whether the prisoner was or was not so kept, for one, two, or three days, during the day, meal times excepted, but no reliable evidence whatever that he was thus kept beyond that period.

That there should be this doubt after having stated on evidence that I believed at the time to be perfectly conclusive that he was only thus retained for one day, has been a source of unprofitable amazement and anxiety to me, however unintentionally I may have been led into the error, if an error it should be, though it still appears to me doubtful whether such is the case.

I have, &c.
T. FOLLISBY POWELL,
Governor, Chatham Prison.

Wm. Fugate, Esq.,
&c. &c.

APPENDIX II.

EXTRACT FROM OFFICIAL RECORD OF SENTENCE ON J. O'DONOVAN ROSSA, dated July 1, 1893.

DEFENCE OF PRISONER ROSSA.

"Declines to make any defence except in writing."

Sentence.

COLONEL HENDERSON.

"This prisoner is without doubt guilty of the very foul and inhumanly brutal attack alleged in the charge. The Governor of Chatham prison is, as is well known, an temperate and judicious person so it is possible to find, the officers in immediate charge of the department in which the prisoner is now detained for their judgment and fidelity; nevertheless he is, as stated in the evidence, and as his misconduct shows, constantly committing acts of insubordination and resistance towards his officers, and every available punishment has been tried in his case without effect, nor does kindness have any better influence upon him. He would in the ordinary course be punished for the offence he has committed by flogging, but it is thought that this punishment should not be inflicted without special authority. If it should not be thought advisable to inflict it, I can only suggest that he should be sentenced to 28 days punishment diet in close confinement, and be placed in the

penal class for six months; also that to prevent the chance of his reporting outrages of this description on the officers of the prison who are obliged to visit him, all movable articles and utensils be removed from his cell, and whatever is necessary being made a fixture, and that he be kept in handcuffs in the daytime. It is for consideration whether the prisoner should be allowed to remain in this prison, after having committed such an outrage on the governor, especially if it was decided that the usual punishment for such offences shall not be inflicted.

"(Signed) E. F. DU CANS."
"1/7/94."

"I am unwilling to resort to corporal punishment in the case of this man, whose conduct warrants of leniency, except in the last resource. Carry out the director's punishment, 28 days punishment diet in close confinement, and six months penal class, and remove all movable articles from his cell.

"(Signed) E. Y. W. HENDERSON."
"7/7/93."

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REPORT

OF

THE COMMISSIONERS

APPOINTED TO INQUIRE INTO THE

TREATMENT OF TREASON-FELONY CONVICTS IN ENGLISH PRISONS.

TOGETHER WITH

APPENDIX AND MINUTES OF EVIDENCE.

VOL. II.—MINUTES OF EVIDENCE.

Presented to both Houses of Parliament by Command of Her Majesty,



LONDON:

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1871.

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MINUTES OF EVIDENCE

TAKEN BEFORE

THE COMMISSION

APPOINTED TO INQUIRE INTO THE

TREATMENT OF TREASON-FELONY CONVICTS IN ENGLISH PRISONS.

No. 3, Parliament Street, Friday, 27th May 1870.

PRESENT:

THE RIGHT HONORABLE THE EARL OF DEVON IN THE CHAIR.

THE HONORABLE G. C. BROOKING.
S. E. DE VRIES, Esq.

DR. LYON.
DR. GREENHOW.

W. SPENCER OLIVANT, Esq., Secretary.

Captain EDMUND FREDERICK DU CANE, examined.

Capt. E. F.
Du Cane.

27 May 1870.

1. (Chairman.) You are Chairman of the Directors of Convict Prisons I believe?—I am.

2. How many convict prisons are there in England?—There are 11.

3. Will you give the names of them?—Millbank, Pentonville, Chatham, Portsmouth, Portland, Woking, Dartmoor, Parkhurst, Brixton. Those are all male prisons. Then there are Woking and Fulham, which are female prisons.

4. Confining yourself to those prisons in which males are received, is the system of discipline the same in all those prisons which you have named?—At Millbank and Pentonville what is called the probation period is carried out, and the discipline is to a certain extent different; but the general rules applicable to the relations between the convicts and their officers are the same in all those prisons.

5. Confining yourself to the case of the convicts sentenced to penal servitude, is the mode of treatment the same in all the prisons?—The convicts are all sentenced to penal servitude in those prisons.

6. Then is it the case that in all of them there is a probationary period of nine months?—That applies to all convicts; it is carried out at Millbank and Pentonville.

7. That is separate confinement, is it not?—Yes.

8. Then, ordinarily speaking, Pentonville and Millbank will be the prisons to which a prisoner sentenced by any court to penal servitude will be taken first?—They are all brought there first.

9. After the period of nine months is passed, what regulates the mode in which they are allocated to the different prisons?—Several of these prisons, Dartmoor, Parkhurst, and Woking, are invalid prisons, to which only prisoners of a certain constitutional disposition, or in a certain state of health are sent. To the others, Portland, Chatham, and Portsmouth, only able-bodied men, that is to say, men who are able to do heavy work are sent.

10. You are aware, are you not, of the object of our inquiry?—Certainly.

11. That is has special reference to the prisoners convicted of treason-felony, under sentence of penal servitude, and in confinement in gaols in England?—Yes.

12. Have you in your possession any list showing the number of prisoners coming under that designation at the present time?—I have.

13. Will you be kind enough to hand it in?—I will. (The same was handed in.)

14. It would be convenient if you would just state shortly what particulars that return shows. First of all, will you give us the total number at present in the prisons within the scope of this inquiry?—There are 26 now in the prisons who come under that designation.

15. Does that return show where those 26 prisoners are located?—It does. It shows every place where they have ever been since they were first received.

16. Will you just state shortly the heads of those columns?—This return gives first their "names or surnames," next their "bodily description," "date and place of birth," "married or single," and "number of children," "name and residence of family or next of kin," "date and place of conviction," "crime, with particulars," "date of previous convictions," and "character," "religion," and "state of education." Then all the transfers from the date of committed up to the present time.

17. Then we may take it that all these prisoners were in the first instance placed either at Millbank or Pentonville?—Generally, but there were some who were not placed at either, but were sent at once over from Ireland.

18. Having undergone a probationary treatment there?—I think that that is doubtful, but I have no information upon that point.

19. But the great majority were received either at Millbank or Pentonville in the first instance?—Yes.

20. (Dr. Lyon.) Can you name those that were not?—I think this return gives those who were never at Millbank or Pentonville. Michael Sheehy went straight from Meenjer Prison to Portland, Mortimer Sheehy, alias Mortimer, did so too. I think some of the others who did so were probably amongst those who have been pardoned or otherwise disposed of. Those are the only two now in prison who were not at first at Millbank or Pentonville.

21. When those prisoners were first placed in Millbank or Pentonville, were any special instructions

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given by the Home Office, or by your department, to the officers in charge of these respective prisons with regard to them?—No, nothing out of the ordinary.

22. Are special instructions at all were given?—No.

23. At what period was it that complaints if any were made by or on behalf of any prisoners as to their treatment?—I cannot tell you the date of the first report, but they will be found in the books of the prison, and I could easily get it and lay it before you if you desire it.

24. My question referred to the complaints made to your department?—I cannot give the date. It is nearly five years ago since these prisoners were convicted, but the prisoners made their complaints in the ordinary way, and it would be recorded in the books of the prison. Perhaps, however, your question referred to complaints from outside on any point.

25. I meant complaints made by the prisoners themselves?—The complaints made by the prisoners themselves will be found in the books of the prison. I could get that information.

26. Then is point of fact, as far as regards any instructions that have emanated from your department, there was nothing to lead to any difference in the mode of treatment of those prisoners from that of prisoners under similar sentences for other crimes?—No, not when they were first received.

27. When were different instructions given?—Small indulgence have been allowed them from time to time; I cannot specify any precise date when they commenced, but such little things as can be allowed in a prison have frequently been allowed.

28. Have these been allowed by the direction of your department?—By the authority of the Secretary of State always.

29. Those we shall find recorded in the different prisons I suppose?—Yes, certainly. There are some things which would take a great deal of trouble for you to hear out, because there are small individual licences of various kinds granted on a prisoner's application, and to hunt out every individual case like that would be very difficult. I can only say that they have been frequent, and cases could be referred to show what kind of things they are.

30. With regard to the diet of the convict prisons, that is uniform, as I understand, except in the case of Chatham?—Except in the case of Chatham and the invalid prisons, which have their own particular diet.

31. With regard to the operation of the dietary, as far as you can tell, upon the health of the prisoners, should you be able from the returns to place before us a comparative statement showing the rate of mortality in prisons as compared with that prevalent among persons of the same age not within the walls of prisons?—Certainly I could.

32. Will you kindly do so?—I will.

33. Are you prepared to hand in any paper which will give us what is technically called the medical history of the prisoners whilst in prison?—I can hand in a paper which will give the medical history of each of the prisoners since he has been received, all the observations the doctor has made upon his constitution and health, with the details of every case in which he has been under treatment in the hospital. These are the returns in question (producing the same). They also give the weight at the time the prisoners were first received into the prisons, and the weight which I have had inserted up to a few days ago, and the weight at every prison that they were transferred to.

34. Have you a statement of the scale of diet?—This is the scale of the diets of all the prisons (producing the same).

35. Will you hand that in?—I will. (The same was handed in).

36. (Dr. Lysons.) Were the treason-felony prisoners in any way recognised as different from the other services under the charge of your department?—In small ways: they were kept separate as far as possible.

37. How were they distinguished?—They were not

distinguished, except by being kept separate from others at work, and being kept together more or less, but there was no outward difference or external distinction at all.

38. And with reference to the special indulgence you speak of, how were the persons to whom these indulgence were to be granted recognised from other prisoners?—The governor of course knows perfectly well what a man is in prison for. He knows that these men are treason-felony convicts, and when one of these men desired some small indulgence it would be asked for, and of course it was known by those who asked for it for him, and by these who were asked, that he was a treason-felony prisoner.

39. Could you specify what these indulgence were?—Such things as these; the visits that a prisoner is allowed to have in the ordinary way are according to certain rules, and are not very frequent, but that rule has been very materially relaxed in the case of the treason-felony prisoners. The rules with reference to the letters they were allowed to write have been also materially relaxed in some cases; in fact in all cases now. Their diet, I think, is better than that of other prisoners.

40. In what respects is it better, as to quantity or quality?—At Woking they get what is called full hospital diet, which is only given to ordinary prisoners when actually in hospital. These men are allowed full hospital diet without being actually under treatment. At Chatham also there is a little variation made in their diet in small ways. I could detail what they have exactly if you wish me to do so.

41. Are those relaxations applied to Chatham and Woking only?—The relaxations in general have been applied to only of the treason-felony prisoners; but those of the diet, so far as I have a memorandum on the subject at present, are only applied to Chatham and Woking. I think, however, it is very likely that they have also been applied to the other prisons.

42. (Chatham.) You will be able to find that out in detail, and inform us what the fact is?—Certainly.

43. (Dr. Lysons.) Can you specify any other kind of indulgence which you say has been allowed to the treason-felony prisoners?—I think that they have not been obliged or expected always to work quite so hard as the others; they were allowed to be more moderate and to take it more easily with regard to their work.

44. How was that accomplished; was it done by a direction to the warders?—No, it is only that if they work rather easily, without any extreme exertion, they would not be reported; that is all.

45. Did the warders understand that of themselves, or was it intimated to them in any way?—They must have been told it, or given to understand it, or something of that kind; probably they were told it.

46. Then in a certain sense, however small, these prisoners were in some degree treated differently from other prisoners?—I think so.

47. Does that apply to all the prisons?—I think so, certainly.

48. May I ask what has been the general character of the prisoners?—I think the majority of them have conducted themselves very well. I can give you a return of the offences that all of them have committed, but some of these have repeatedly committed offences. That has been the case with them as it is generally amongst all prisoners. These who resist the rules of the prison are the same time after time. It is always found that a large number of offences are committed by a small number of prisoners.

49. Have these offences had any other character than that of breaking the prison rules, and infringing the prison discipline?—These are the only offences they could commit. They have tried to get clandestine communications, to corrupt the warders, and to resist authority in many ways.

50. When you speak of "corrupting" the warders, what do you mean?—To get them to take out letters.

51. And anything else?—That is the only thing they could do.

52. To get in anything?—Yes.

53. (*Chairman.*) To get in extra provisions or liquor, I suppose you mean?—It would not be that; it would be letters and things of that kind.

54. (*Dr. Lysons.*) Then you use the term "corrupt" in a sense different from that in which it is ordinarily used?—I mean to say making him not do his duty.

55. As far as you know, what has been the health of the prisoners in general?—I think it has been very good. Some of them who are weakly men have not, of course, been so well, but I think as a general rule they have been very well. That fact would be shown precisely in the medical returns.

56. What was the total number of treason-felony prisoners received into English prisons?—There are 26 in English prisons now; 45 were sent to Western Australia, two have been discharged on license, and one is dead. One was transferred to Mountjoy prison, and 16 have received conditional pardons, that makes 59 as the total number who have passed through the English prisons.

57. Ninety-one is the total number of treason-felony prisoners who have passed through English prisons?—Yes.

58. What has been the mortality in that number of prisoners?—I only find one returned as having died.

59. What was his name?—Patrick Lynch.

60. Are you aware of any having died after they left the prison?—No, I cannot at this moment say that I know of any. I should not necessarily know of it.

61. Would such a fact come within the cognizance of the officials of your department?—No, not officially.

62. (*Mr. De Vere.*) Were any of those who were discharged, discharged because their state of health was such that they could not be kept in prison without injury?—I think there were two discharged on account of their health.

63. (*Dr. Lysons.*) Could you furnish as with the exact number of those who were discharged on account of ill health?—The return I have here shows only one.

64. What was his name?—He is named Cary, but I am under the impression that there must be a mistake about that. I think there must be an omission, because I recollect another. I see he is put down here amongst those who received pardons.

65. What became of Cary?—Cary was transferred to Mountjoy Prison on account of ill health, and I believe he was finally discharged. Another man named Kearns was also under the same conditions, he is put down here as having received conditional pardon without reference to his health.

66. Could you by looking over your papers afterwards ascertain exactly how many of those prisoners were discharged in consequence of ill health?—I will do so.

67. Perhaps you will be good enough to furnish a return of that?—I will.

68. Will you also furnish a return showing how many of the treason-felony prisoners have died since their admission to the English convict prisons?—I will make an official return of that.

69. What supervision of the diet and discipline of these prisons is exercised by your department?—The governor, the steward, and the doctor are all bound to see that the provisions are good and full in their quantity. The director, also, has periodically to visit the prison, and to satisfy himself that the diet is good and sufficient. But besides that, the best check that there is, is that of the prisoners themselves, who are very exacting as regards the quantity and quality of the diet supplied to them; and they have freely the privilege of complaining if they do not think it is sufficient.

70. Now may I ask you how these complaints can be made by the prisoners?—When the diet is served round (which process you might see when you go up to Pentonville, if you chose to do so), the prisoner is obliged to examine it to a certain extent

before he takes it in. If he thinks it is insufficient he says so at once. It is then taken and weighed, or he is taken down into the hall or into the kitchen, as the case may be, and it is weighed and examined in his presence, to satisfy him, or to satisfy whoever may be concerned in it, as to whether the complaint is well founded or not.

71. Would a prisoner who made complaints of that kind more than once be exposed to any possible source of annoyance from the warders or otherwise?—No, I do not think so. Sometimes men get into a habit of perpetually objecting to their diet and it is perpetually found that there is nothing in it. In those cases it is made disagreeable to a man—that is to say, he is made to stand out for a while—if there are half a dozen of these they stand out until all the other business is done, and then the diet is examined; so that a man may be obliged to eat his dinner in a hurry, or in some way or other it is discouraged in the case of men making a practice of complaining in that way. But that only happens when prisoners get a kind of turn in that direction and are giving a vast deal of unnecessary trouble. It is not the usual thing.

72. Do you think that those measures could be improperly used by the warders to deter prisoners from making complaints?—It does not depend upon the warders at all.

73. Upon whom does it depend?—It depends on the deputy-governor or the governor. I think you will see perfectly that that is only done when there comes to be an abuse of the privilege. It is a mild kind of check.

74. Has it come within the knowledge of your department that any irregularities as to diet have occurred during the period when these prisoners have been under sentence?—I do not know of any irregularities at all.

75. Has it come to the knowledge of your department that there has been any irregularity as to the treatment of the prisoners by the warders or other officers?—No, certainly not. The treatment of all these men has been extremely forwarding.

76. Do you think it possible that such things as are alleged by the prisoners' friends could have taken place with regard to their diet?—I do not quite know. Some of the things which I have seen alleged by the prisoners' friends are more ordinary incidents of prison life. As to those I should say, yes, they have happened. There are others which would be abuses, and those I should say have not happened.

77. Do you think it possible that such irregularities as there could have occurred, that the contents of a bowl, a mouse, or other vermin, could have got into the soup of the prisoners?—That would be quite impossible.

78. Do you think it possible that the meat could have been removed from the bones from which the soup is made before the soup was made from them?—The habit is to get in the meat on the meat days, and to take the meat off the bone, so as to give to them so many ounces of actual meat which they can eat, for the bone is not weighed in in the diet sent to them. Therefore in that sense the meat is taken off the bone before it is used for making soup.

79. Do you believe that either the meat or the bones, or both, could have been tainted before being boiled?—Certainly not.

80. Do you think it possible that the meat could have been rancid when it was used in making soup?—I believe it would be quite impossible. The diets are inspected so narrowly, and by so many people, that I do not think that that would be possible.

81. Was the period of nine months' solitary confinement enforced against any or all of the political prisoners?—No, none of them went through the full nine months.

82. Did the prisoners who were in Kilmainham or Mountjoy prison for any period get credit for the time so spent in solitary confinement, against their period of solitary confinement in England?—Certainly they would do so. I can show you instances on the first

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page of this return. For instance, a man named Brian Dillon was received at Mountjoy Prison on the 14th of December 1865. He was received at Pentonville on the 15th of January 1866, and he was sent down to Woking on the 11th of April 1866. That would be in four months, or thereabouts, after he was first received.

83. (Mr. Broadrick) Would he not be sent down to Woking on the ground of ill health?—The treason-felony prisoners were all allowed a shorter period of solitary confinement than the rest of the prisoners, and this man was sent to Woking, as he would have been under any circumstances, on account of his health being such as to make Woking suitable for him.

84. (Dr. Lyons.) What number of prisoners have had to be sent to invalid prisons in consequence of the deterioration of their health?—That will be found in this return. I can give it to you in the form of a number if you wish to have it so.

85. Out of the whole 91, will you state how many have been removed to an invalid prison, and out of those who have been so removed, how many had been first in an able-bodied prison?—Yes, I will state how many have been placed in invalid prisons, and then how many have been removed to invalid prisons after having been at public work prisons. I will put in returns giving those numbers.

86. Will you state what period of each man's sentence since he has been in prison has been spent in an invalid prison?—That will be shown in the case of every individual man on this return.

87. In a separate column?—The actual prisons that he has been in are shown in this return in a separate column, and therefore the time he has spent in each of them will be seen.

88. We could arrive at it by a process of deduction, but we should like to have it stated if it is not too much trouble?—I will give you in a return showing how much time each man has spent in an invalid prison. Some, a large number in fact, have spent the whole of their period in an invalid prison.

89. It would be very important to show that?—Here are four, including Mulcahy, who have passed the whole of their time in an invalid prison.

90. (Mr. De Vere.) I think Mulcahy was at Portland, was he not?—Yes, you are right, Mulcahy was at Portland for a few months, as shown on the return.

91. (Dr. Lyons.) What are the punishments in the shape of diminution of diet that are in use in the prisons?—There are two classes of diets which a man may be subjected to, one is called punishment diet, that consists of bread and water for three days, and another class of diet, which is called penal class diet, following upon it. I have given in a statement of these scales of diet.

92. What is the longest period for which a bread and water diet can be enforced in accordance with the rules of the prison?—The bread and water diet can be enforced for no more than three days at one time; but the punishment diet, which includes this penal class diet on every fourth day, may be continued for 28 days.

93. Is it possible that a very prolonged period of bread and water diet could have been enforced, as was alleged by some of the friends of the political prisoners?—They could not have been longer than 28 days on punishment diet certainly, but they might have been on penal class diet for six months.

94. Are you aware of any ill effects having arisen from a prolonged enforcement of penal class diet on the constitution of the prisoners?—I am not. The medical officer has to visit all these men daily, and it would be his business to report any case in which the punishment in any way was telling upon a man's health, and if he reported anything of the kind his report would be attended to without the smallest hesitation.

95. Have any reports been made to your department by medical officers as to the health of the prisoners suffering from a prolongation of their servitude, or a continuance of penal diet?—I do not remember any

case. I may say, certainly not. The medical officers have reported upon the health of these men from time to time and recommended certain things, but no case of a punishment that they have been subjected to affecting their health has been reported.

96. Have any of the treason-felony convicts suffered mentally, or exhibited signs of mental deterioration during their period of servitude?—Yes, they have. I will put in a return of those who have been mentally affected.

97. Will you also name these prisoners?—I will.

98. Besides those who were more or less distinctly mentally affected, are you aware of any of the prisoners having suffered from mental dejection, melancholy, or unusual depression of spirits?—It is difficult to say that. I should think that the great majority of the prisoners who come into any prison suffer more or less from depression of spirits and influences of that kind. I suppose these prisoners probably would suffer as much as anybody else, but there has been nothing out of the ordinary way in their case, nothing to be the subject of a report.

99. It has not been remarked or noted in the department that these men have suffered from depression of spirits or melancholy more than ordinary convicts?—No, not more than prisoners do ordinarily.

100. (Chairman.) You say that you can lead in a statement showing how many of the treason-felony convicts, namely the 91, were from considerations of health removed to invalid prisons?—Yes.

101. Can you accompany that with a return showing how many of a similar number of prisoners of other classes imprisoned during the same period were removed to invalid prisons from similar causes?—I will do so.

102. (Mr. De Vere.) Has there been any increase in the mortality in the other prisons besides Clinton as compared with what the mortality was before the change of dietary in 1864; how does it compare with the general mortality rate of the country previously to the change of dietary?—I will put in a return upon that point which will be more precise than any answer I can give you now.

103. Do the returns you have been as good as to put in contain a record of all the political prisoners, including those who are not now in confinement?—Certainly; there is a list of them, but the return I have put in is full refers only to those now in prisons. I have a list of all those who have been in prison at all.

104. Does the medical history that you have put in contain a record of those who have died or been discharged?—I think the medical histories refer only to those now in prison, but I will get the medical histories of those who have died or been discharged.

105. (Mr. Broadrick) Those who have been discharged for ill-health, you mean?—I will furnish a medical history of all the 91.

106. (Mr. De Vere.) You have spoken of certain indulgences which you allowed to those treason-felony prisoners. Were any of those indulgences of the nature of relieving them from any parts of the discipline which might be considered of a degrading character to an educated man?—Their employment has been more or less, as far as possible, selected in such a way as not to be of the description which you allude to.

107. Has there been a difference made in the nature of the employment as between the political prisoners and other prisoners under similar sentences?—There have been in all the prisons other men employed in the same way as these men; employment has not been made specially for them, but it has been made, as far as we could do so, suitable to them. It is of course impossible to make employment suitable to a man whose business was that of an editor of a newspaper or works of that kind, but as far as the prison meant would allow that point has been considered with regard to them.

108. Have any complaints reached you officially of the degrading nature of the employment or the pun-

ishment to which they have been subjected?—Some prisoners have objected to doing certain work. One man objected to wheeling a barrow, and things of that kind. Other employment has been found for him.

109. In any remissions or indulgences which have been given to these prisoners, has that question of giving them a punishment which was more suitable to the condition of an educated man than an ordinary convict, been taken into account?—In the cases of all of them, as far as we could do so, we have given them employments suitable to their particular condition.

110. Are you aware whether in that respect any peculiar indulgence or changes were made in the case of Mr. Russell?—No change was made in his case at all.

111. Was Mr. Russell subjected to the same system of discipline as an ordinary prisoner incurring a similar sentence?—Certainly he was. I have seen him myself dragging chains about Portsmouth dockyard, and cleaning them.

112. That the same principle which was applied to the punishment of Russell has been applied to the Irish political prisoners?—No; I think the employment of the Irish political prisoners has been to a certain extent considered as a point to be attended to, which it was not in the case of Russell.

113. Then this question of degrading employment, or of work that was unsuitable to men of their particular position, has been more favourably considered in the case of the Irish political prisoners than it was in the case of Russell?—Most certainly; I have no hesitation at all in saying that.

114. Is a part of the discipline of a prison to clean out the privies?—A man has of course to attend to those things for himself in his own cell. He has got in his own cell a water-closet, which works for itself. He would have to sweep out his cell.

115. (*Dr. Lush.*) It is alleged that the prisoners have been made to clean privies other than their own; has that been the case?—I think what that refers to is this. When these prisoners are at work out on the works at Portland, there is a certain privy which is set apart for the use of the prisoners on the works. I recollect some question about that, but precisely what it was I cannot say. I can inquire if you wish me to do so.

116. Perhaps you will inquire?—Certainly; but perhaps it would be better if you would inquire about that on the spot.

117. Is the work of cleaning privies within the discipline of any of the prisons?—In an ordinary way, while at work, the prisoners would take it in turn in the ordinary routine to do any work of that kind in the way of cleaning out the privy used by their party. You will see it perhaps on the works better than I can explain it to you. A certain little place is knocked up for the use of these prisoners, and if that place had to be moved, or if the privy had to be moved, I suppose something like covering up would be necessary, or something of that kind.

118. (*Mr. Dr. Merv.*) You have spoken of an attempt to corrupt the warders?—Yes.

119. Do you mean to say by that, that there was any attempt to corrupt them for the purpose of making an escape?—I think that the prisoners certainly have succeeded in getting communications in and out at certain times, and I dare say they would not have been above saying if they could have done so, some of them at least.

120. Have you any reason to believe that there was any attempt on the part of any of these prisoners to bribe the warders to assist them to escape?—I am quite certain that they have on certain occasions got communications illicitly in and out.

121. Had those communications reference to escaping from prison, as far as you are aware?—I do not know that there is anything that could be brought forward in the shape of direct evidence, but there have been very suspicious circumstances.

122. Have treason-felony prisoners been more diffi-

cult to satisfy as to the quality of their diet than the other prisoners?—I think they have.

123. Have their complaints, as far as you are aware, been met in the same mode as those of any other prison?—They have been met by a different mode inasmuch as they have been treated rather more liberally; they are now receiving a better diet at Chatham, and a better diet at Woking. Whether they are at the other prisons or not I do not quite know, I think most likely they are.

124. (*Dr. Greenham.*) I see by a return you have put in that some of the treason-felony prisoners have been removed from one prison to another; on what account has that been done?—On a different account as regards every prisoner. I can go through them and state the reason in the case of any one if you wish, in order to give you an idea of it.

125. I understand that you sometimes remove them on account of health?—Yes.

126. But I see that they have been removed not only on account of health but also for some other reason?—Yes, for instance Mulesby was received in an English prison at Pentonville. He was sent down to Portland in the ordinary course. Then there came a writ of error which had to be pleaded, and he was sent to the Mountjoy Prison on that account. When he came back he was sent to Millbank, from thence he had to be sent again to Mountjoy, and then again back to Millbank. After that the state of his health was such as to fit him more for an invalid prison, and he was accordingly sent to Dartmoor. From there he was sent to Woking, a prison for invalids of a different class, which was thought for medical reasons more suitable to him at that time. I have the case of another man Ransome. He was sent from Portland to Woking also for medical reasons. Then I find several other men who have not been removed at all. Another man named Power has been removed from Portland to Woking because he said, or his friends said, that the condition of his chest was such as to require his removal to Woking. He was sent there on that account. Whether there was any foundation for that statement or not I cannot tell. John Derry was first of all sent to Portland; he was then sent to Millbank, because his behaviour at Portland was very bad. He was sent to Millbank for a second period of probation, and after that he was sent to Chatham.

127. You have spoken of the treason-felony prisoners having been treated with great consideration as regards their occupations; will you tell us what their occupations have been, as far as you can recollect?—At Chatham they have done such work as chopping up wood—light work. The best thing that we have been able to do for them was to employ them at easy kinds of work, in which they could be kept together, and not necessarily thrown in amongst all the body of prisoners. What they are doing now, as I think you will find when you go down, is knitting stockings. They have been doing the same kind of thing at Woking. At Portland they have been dressing stone, and so forth.

128. Is the present position of a prisoner considered with regard to his occupation; for instance, would a man who had not been accustomed to work with his hands be put to hew stone, or would he be put to knit stockings?—In the case of an ordinary prisoner that would not be thought of at all.

129. Has it been considered in the case of the treason-felony prisoners?—Yes. In their case, as far as it is possible to do so in a prison, that kind of thing has been considered. I believe the prisoners at Portland have taken rather an interest in some of the work they have had to do, particularly in stone cutting; they have made an altar.

130. You have spoken of these prisoners being weighed; how often is it usual for prisoners to be weighed?—Usually they are only weighed when they arrive at a prison and when they leave it, but questions have very often been raised about these prisoners by their friends outside, and in one way or another reports have been called for as to their state of health,

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and in making those reports the medical officer has generally weighed the prisoner. That would account for the number of times that the prisoners appear by these returns to have been weighed. In a general way it is only when a prisoner leaves a prison or arrives at it that he is weighed.

131. Is it a rule that a prisoner should be weighed when he arrives and when he goes away?—Yes.

132. How frequently are prisoners not on the sick list inspected by the medical officer?—Once a week the doctor is bound to see everybody.

133. How are they inspected? Are they inspected in their cells, or in the courtyard?—The doctor can inspect them in any way he likes, or in any way that he thinks sufficient for his purpose. I believe it is generally done on parade, or in hall, as the case may be.

134. When prisoners are ill, how do they announce their illness to the doctor?—They give their names in to the warden, and the prisoner's name would be returned by the warden to the medical officer, who would come at the proper time to see him.

135. (Mr. De Vere.) What remedy would a prisoner have if the warden neglected to transmit the report?—He would appeal to the governor.

136. (Dr. Greenwood.) Has he ample opportunity for doing that?—He has ample opportunity for doing it, and he does it freely.

137. Does a prisoner see the governor every day?—He usually sees the governor, or the deputy governor, every day.

138. How often is it the duty of the doctor to examine prisoners who are on penal diet?—Daily he has to examine all prisoners who are under special punishment.

139. And if he sees occasion to do so, can he order additions to be made to the penal diet?—He would report to the governor that the man was suffering from the diet, and the governor would take him off that diet, or do what was thought necessary.

140. Without reference to the director of the prison?—Certainly.

141. If hard labour he found too laborious, or if a prisoner complains that it is too laborious, can the doctor do anything for him?—The doctor can desire that he may be put upon light work, and that would be done.

142. What power has the doctor of ordering extras; can he order extras of diet in case of illness?—The prisoner must come into hospital to be treated, in order to get extras.

143. Is there a hospital in every prison?—Yes, in every prison.

144. Would a prisoner who was suffering from indigestion, and found oatmeal good disagree with him, be obliged to go into hospital to obtain a change of diet?—These treason-felony prisoners were allowed other diet without going into hospital, because the medical officers thought it was desirable that they should have it, and therefore the diet was changed in their case.

145. If a man does not eat the food given to him, what happens; suppose he returns his diet, is it reported in any way?—It is noted. But it is such a rare case that I hardly know how to answer the question. The prisoners almost always eat their diet. These treason-felony prisoners have returned their diet in some cases, and their diet has been altered.

146. It has been altered in consequence of their returning it?—Yes, I have already stated that at Woking and at Chatham they have been put on a different class of diet for that reason.

147. Do prisoners when on penal diet, or on bread and water, go on with their usual labour?—No, they have no employment whilst they are in solitary confinement.

148. Are they always in solitary confinement when put on penal diet?—Yes, always, when they are on penal diet, or on bread and water; when they are on penal diet they do cotton picking; when they are on bread and water they do nothing.

149. Are prisoners, when in solitary confinement, allowed to converse at all with the warders?—No.

150. Is absolute silence enforced?—Yes.

151. For how long a time may a man be kept in his cell, restricted to absolute silence?—He would be three days in that way, but it would be broken by the visits of the medical officer, and of the chaplain or priest, who visit all those men regularly.

152. Do they visit these daily?—Yes.

153. What are the regulations with regard to communication between the prisoners; when on public works, are they allowed to converse together?—They are not allowed to converse except on subjects connected with their duties when they are on the works. On Sundays, when they are taking their ordinary exercise, they are allowed to talk together about anything, so long as they do not make a noise.

154. What amount of open-air exercise is allowed for prisoners who are in solitary confinement?—Those who are under punishment for these three days, in the manner I have referred to, get no exercise. During the probation period, they get an hour's exercise every day.

155. What are the regulations with regard to letters being received by prisoners?—There are certain periods in which they are allowed letters, according to the class they are in. I can read to you the terms of the order upon the subject, if you please, or I can state the effect of the regulations.

156. Will you state what the system is?—The system is this: in the first place, a prisoner, whenever he comes into prison, or changes his prison, is allowed to write one letter to his friends, and to receive one letter. Then, besides that, when he is in what is called the probation class, which is the first period, he is allowed to write one letter.

157. That is to say, he is allowed to write one letter in nine months?—Yes, he is allowed to write one letter in those nine months; then he goes into the third class; he receives one visit every six months during that period, and he is allowed to receive, and to write, a letter once in six months, provided his conduct in that class has been good, at least, two previous consecutive months; that class lasts for a year. Then he gets into the second class, and he may then receive a visit, and receive, and write a letter once in four months. Then he gets into the first class, and he may receive a longer visit, and receive and write a letter, once in three months; so it goes on until the end of his term of imprisonment.

158. Are the letters which prisoners receive or send, seen by anyone?—They are all inspected.

159. Every one?—Every one.

160. When the prisoners receive friends, do they see their friends alone, or do they see them in the presence of a warden?—They see them in the presence of a warden, or the deputy-governor, or some other official.

161. You spoke just now of a longer visit being allowed to prisoners in the first class. Is the length of the visit specified?—Yes, 20 minutes is the general rule, and a prisoner in the higher class is allowed half an hour. It has often happened with regard to those treason-felony prisoners, that they have been allowed still longer visits. They have been allowed visits and letters more frequently than their class would have entitled them to.

162. Do you happen to know whether, when a prisoner is admitted into a prison, he is examined with regard to the state of his lungs and heart?—The medical officer examines him in all these points, I believe, and puts it down in this paper, which I have handed in.

163. I see there is nothing here, specially, as to the lungs and heart?—I see that say hereditary tendency to phthisis is to be reported.

164. That is only hearsay, apparently. The medical officer asks the prisoner questions on those subjects, but I wanted to ascertain whether there is any physical examination of the prisoner?—It would be better to

ask the doctor that question when you visit the prisons.

163. With regard to dress, have these prisoners been dressed in the same way as other prisoners?—They have been dressed the same as all other prisoners.

164. What does that dress consist of?—A woollen short coat, waistcoat, knickerbockers, stockings and shoes, and a cap.

165. Is there nothing underneath the short coat; is there no shirt?—Yes, they wear a shirt, and if the medical officer thinks it is proper, they wear a flannel.

166. Have they no flannel supplied to them unless the medical officer says it is necessary?—Not unless the medical officer says that they ought to have it.

167. Then a man who had been accustomed to wear a flannel before coming to the prison would not wear one in the prison unless the medical officer said that it was necessary?—No.

170. (*Dr. Lyons.*) Are their heads shaved?—No; their hair is cut occasionally, but in the case of these political prisoners, we have not had their hair cut so often as other prisoners.

171. (*Dr. Greenhalgh.*) With regard to the bedding, what number of blankets are allowed to the prisoners?—There is a certain scale. I think it is two or three blankets, but I can put in a return showing that.

172. If a man complained of not having sufficient bed-clothing, would more be granted to him?—I think if the doctor said that it was necessary for him specially, it would be allowed to him.

173. But not otherwise?—No, not on a man's own complaint.

174. You are going to favour us with some returns of mortality; may I ask upon what basis these returns are estimated, that is to say, are these returns based upon the actual number of prisoners in a prison during a year, or are they based upon the average number?—Upon the average number.

175. Of course that makes a great difference, and renders the returns much more accurate?—Certainly; but our returns have been altered in the last four years, so as to bring them into accordance with the general returns throughout the kingdom, so that if you find the previous returns less full than will account for it. You will see there what is the statistical return as regards deaths, and all the information bearing upon that subject (amounting to a return).

176. I think I understood you to say that the diet was the same in all the prisons except Chatham?—Yes.

177. At Portland, for instance, where the situation is bleak and the air keen, and where people are likely to have better appetites, have the prisoners the same diet as at Pentonville or at Portsmouth?—Yes.

178. The situation of the prison is not taken into consideration?—No. The rules laid down by the Medical Commission have made certain recommendations on the subject here been carried out. We have always thought that it was a medical question and not one for us to entertain all.

179. (*Chairman.*) When did the Medical Commission sit?—It reported in 1854.

180. You stated that although a flannel was not ordinarily worn, still if a medical officer thought it desirable for a prisoner to wear a flannel he would recommend it?—Yes.

181. Would that recommendation be at once acted upon?—Yes, it would be at once acted upon.

182. (*Mr. Broadbent.*) I think I understood you to say that no special instructions had been received from the Home Office with reference to the treatment of these prisoners?—No, no instructions had been received to treat them in any way differently from others.

183. By what authority then was their period of separate confinement shortened?—By the authority of the Secretary of State; it could not have been done

without that. Either his verbal or his written authority was given, probably both.

184. By what authority then is it determined whether a prisoner is sent to Pentonville or to Millbank?—That depends upon the Home Office. It depends mainly upon the remedies that there may happen to be, with this exception, that at Pentonville only prisoners in full health have been generally received, while at Millbank prisoners of all kinds have been received.

185. I perceive there is a considerable difference in respect of healthiness between these two prisons, is there not?—I suppose the duration of Pentonville would be thought the best as far as health goes.

186. Is it within your knowledge that in respect to mortality and disease there is a very marked difference between them?—There must be, because only very healthy prisoners have been received at Pentonville, whereas prisoners of all classes have been received at Millbank; that must make a great difference.

187. Have we before us any statistics of the comparative sanitary condition of these prisons?—The last published report of the directors will give the medical officers' opinion of them all.

188. That is for the year 1863, is it not?—Yes; I can give you the medical officers' reports on prisons for the year 1863; they are in proof now, they have not been published.

189. I understand that the treason-felony prisoners were never formed into a special class?—No, they have been kept to a certain extent separate in labour, and there have been the distinctions with regard to the indulgences that I have referred to, but they have never been in our records and so on treated as a different set of men altogether.

190. Is not work sometimes assigned to a prisoner with some reference to his previous occupations?—In the general way in the case of an ordinary prisoner, if we can make use of his knowledge of any trade we should certainly do so; but we do not pretend to find work for all the men in accordance with their previous habits for that would be impossible. We have only got certain work to do, and we must distribute that work amongst the prisoners as we can.

191. Are men of higher education and sedentary habits ever employed as clerks, for instance?—No, we never employ prisoners as clerks.

192. (*Mr. De Vere.*) Is printing done in any of the convict prisons?—No, not at present. I want to introduce it.

193. (*Mr. Broadbent.*) It is your opinion that it would be possible and expedient to adapt labour somewhat more than has been the custom, to the previous occupation of the convict?—I do not know that one could do so more than is done at present. The best mode of employment of the prisoners, that is to say, that which pays the Government best, is to employ them on all public works such as those at Portland, the excavations at Portsmouth and Chatham, and so on. In that case it is impossible to find work suitable to what the prisoners previous habits have been. In fact taking the case of the first man I have in this return he was a commission merchant, there is nothing that he could be employed at except clerk's work, and that we never allow prisoners to be employed at. Here is another man who was a medical student, that is what he is described as.

194. (*Dr. Lyons.*) What is his name?—Edward Power. And then there are the following: newspaper correspondent, law clerk, medical student, butcher, mercantile clerk, builder—that man I dare say might be employed in his usual trade.

195. (*Mr. Broadbent.*) It is a fact, is it not, that clerk's work is sometimes done by convicts in county prisons?—It may be in county prisons, I think that is very likely.

196. (*Chairman.*) Are you aware of that as a fact?—No, I should not like to say that as a fact, but I think it is most likely.

197. (*Mr. Broadbent.*) I will take another point—what power would a prisoner have of appealing

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against any sort of bullying on the part of a warder. What course would such a case take supposing a prisoner believes himself to have been spoiled and bullied by a warder; what remedy would he have?—He would appeal to the first superior officer of that warder that he happened to see. He is constantly seen by the principal warder, the deputy-governor, the governor, the chaplain or priest, the doctor; he could mention it to any of the officials.

198. To whom would the complaint go?—His right is to appeal to the governor; the governor sits every day for the purpose of hearing anything a prisoner has to say to him; and further than that, if he chooses, the prisoner can appeal against the governor.

199. What is his means of appealing against the governor?—He has to put his name down, and when the director comes round to inspect the prison, he has to hear any complaint the prisoner makes, or anything he has to say; in fact, any question he has to ask him.

200. (Chairman.) How frequently does the director come?—He goes to the distant prisons every month, and to the prisons about London every week, or oftener if necessary.

201. (Mr. Broadrick.) Is it the right of a prisoner to put his name down to see the director?—It is the right of a prisoner to put his name down to see the director.

202. What would take place upon that appeal to the director?—He appears before the director, who takes down in writing what the subject of his interview is, and records his decision at once in the same book.

203. In the case of an appeal against the governor himself, would the governor be present?—As a matter of fact he always is present; but with regard to his appealing against the governor, if he did so and expressed a wish to see the director privately, that would be allowed. I have myself turned out an officer from the room if the prisoner expressed a desire to see me without the presence of that officer.

204. Have there been cases in which any of these treason-felony prisoners have appealed against the governor to a director?—Frequently.

205. Is there any further appeal beyond the director?—Yes, to the Secretary of State. The prisoner has the power of petitioning the Secretary of State.

206. Is that power without limit? Can a prisoner insist on his petition to the Secretary of State being forwarded by the governor of the prison?—Yes. You must understand that this petitioning is a very common thing. A prisoner's first petition is always forwarded. If he is not satisfied with that, and petitions for precisely the same thing over again, it is not thought proper to trouble the Secretary of State by perpetually forwarding these petitions for no purpose whatever, but after a certain interval of time has elapsed, even that same petition would be forwarded again.

207. (Dr. Lyons.) How does the prisoner get access to writing materials for the purpose of petitioning?—He puts his name down, and pen, ink, and paper are given to him to write the petition, or if he is unable to write, it is written for him to his dictation.

208. (Mr. Broadrick.) Would it be possible for a prisoner, by way of punishment, to be deprived of his appeal to the Home Secretary?—No, certainly not; it is as much as the place of anybody connected with the prison is worth to do so.

209. With respect to the visits the prisoners may receive, are those visits always made in the presence of a warder?—They are always made in the presence of an officer of some kind whether a warder, or the deputy governor.

210. Would that apply to his intercourse with the

chaplain?—No, the chaplain sees him privately in his own cell.

211. And the doctor?—The doctor sees him privately in his own cell too.

212. As a matter of fact, are there Roman Catholic chaplains at all the convict prisons, and if not, at which are there such chaplains?—There are Roman Catholic chaplains at all the convict prisons where there are Roman Catholics. I can furnish you with a return of the prisons where there are Roman Catholic chaplains, if you please.

213. Is there, for instance, a Roman Catholic chaplain at Portland?—Yes. And at Chatham, and at Woking, and at Millbank, and when these prisoners were at Pentonville, a Roman Catholic chaplain visited specially for them.

214. (Chairman.) How is it at Dartmoor?—There is a Roman Catholic chaplain there too.

215. (Mr. Broadrick.) Then the only legitimate means of communication which the convicts would have with the outer world would be through letters?—Yes.

216. Which letters are perused, of course?—Yes.

217. Both those which they send and those which they receive?—Certainly.

218. Would it often happen that a letter was stopped; is that a thing of common occurrence?—With some of these prisoners it has been, I am sorry to say. In the case of ordinary prisoners, if a man writes something which he is not allowed to write by the rules, that is to say, matters which concern the internal affairs of the prison and such subjects, the letter would be stopped, and he would not be allowed to write another. In the case of these prisoners the letter has been stopped, but the prisoner has been allowed to write another over and over again.

219. By way of illustration, will you tell us, would O'Donovan Rossa have heard of his election for Tipperary?—I happened to be down at Chatham just after he was elected, and he asked me whether he was returned, or not.

220. Then he was aware that he was a candidate?—Yes, he was aware that he was a candidate, because he had had a visit from one of his friends. I told him that I was not authorised to give him any information of a political nature at all. Then he asked me whether if he was elected, he might be allowed to come to Millbank in order that he might be convenient for taking his seat. I told him I presumed every consideration would be shown him.

221. As we have mentioned him, I do not know that there is any impropriety in my asking whether there has been any change in his prison character of late?—It has very much improved. He now conducts himself uncommonly well; as well as anybody. Up to the middle of the year 1868 he was a very difficult man to manage, and was always doing something against the rules; but I was fortunate myself in being able in some way or other to produce a little change in him.

222. Can you attribute the change in O'Donovan Rossa's conduct to any greater indulgence in his treatment?—No; I think that he commenced his good conduct first, and then it was encouraged by any little things that one could do to preserve that state of things.

223. (Dr. De Vere.) By little indulgence?—Little considerations. He was allowed to see his child, or his wife, when he would not ordinarily have been permitted to do so.

224. (Mr. Broadrick.) Of course we know that it has been stated that he was subjected to corporal punishment; has he ever been subjected to corporal punishment?—Never.

225. Have any of the treason-felony prisoners?—None of the treason-felony prisoners have ever been subjected to corporal punishment.

226. Are you aware that any of the treason-felony prisoners have complained of their previous treatment in Irish prisons?—I have no recollection of it at present.

227. It is not within your knowledge?—No, I do not think so.

228. As to the bed clothing, would there be no different rule for the clothing in summer and winter? It is all done according to a certain scale; I think very likely they do get a double blanket in winter. I had better make a return of the scale of bedding.

229. I believe complaints have been made with regard to the exposure of some of the prisoners while working on the public works, what are the rules on that subject? Supposing it rained hard, would they be kept out at work or otherwise?—The benefit we have been able to lay down for all the prisoners is that they should be taken in when free labourers would be taken in; but they all have shelter sheds which they go to to keep them as dry as possible. All the treason felony prisoners at Portland work wet or dry under a shed. At Chatham they work in a room. At Woking they work sometimes out of doors, sometimes indoors, it varies, but there is no exposure, and no chance of anything wrong happening from that cause.

230. Does not it sometimes happen that where convicts are working side by side with free labourers, the convicts are put under shelter, and the free labourers go on working?—That was said to be the case some years ago, and we tried to prevent anything of that kind being said, and I believe we succeeded. They used to be taken in much more freely than it was thought was necessary.

231. (Chairman.) It was said to be so at Dartmoor, was it not?—That was said to be the case of Dartmoor, and at other prisons, but it is not so now.

232. You mentioned the case of a man of the name of Devoy having a second period of probation. Am I to infer from that, that in certain cases those who have once passed through nine months of separate confinement, and have been at the close of it sent to other prisons where they work in gangs, have afterwards undergone a second period of probation?—In that case it was so.

233. That convict was sent to undergo a second period of probation?—Yes.

234. How long might that second period of probation last?—It would not last longer than nine months.

235. Then a prisoner might have a second full period of probation?—Yes.

236. (Dr. Greenwood.) Are prisoners made acquainted with their privileges, such as their power of appeal to the Secretary of State, as well as to the governor and director of the prison?—Yes, there are directions hung up in the prisons which tell them all those things, and they know it both in convict prisons and in other prisons too.

237. They have it actually put before them, so that it is not a mere matter of tradition?—Directions are hung up, they know it well.

238. (Chairman.) I think you stated, and indeed it is obvious, that there would be a material difference of climate between certain of the prisons?—Yes.

The witness withdrew.

Adjourned.

Dartmoor Prison, Friday, 10th June 1870.

The Commission resumed its inquiry at half-past 9 o'clock a.m.

PRESENT:

THE RIGHT HONORABLE THE EARL OF DEVON IN THE CHAIR.

THE HONORABLE G. C. BRODRICK,
S. E. DE VIER, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

CAPTAIN STOPFORD, Director of Convict Prisons, examined.

239. (Chairman.) You were governor of this prison, I believe?—Yes, for nearly three years.

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239. Dartmoor for instance, would have a different climate probably from Chatham?—Yes.

240. Is there any difference of clothing arranged in consequence of that difference of climate?—The clothing is made of the same material at all the prisons; I suppose probably at Dartmoor, if the medical officer thought it proper, it would be more general to use flannels, but that is a matter for him to consider.

241. But with regard to bedclothing, should you be of opinion that as a colder climate more bedclothing would be given?—I doubt it. I do not think it is so because the prisons are all warmed, and supposed to be all of an equal temperature.

242. That is indoors?—Yes.

243. You have mentioned certain cases in which letters have been stopped in consequence of the nature of the communications which they contained. Can you tell us, by way of illustration, what these communications were?—If a prisoner filled his letter with abuse against the governor, or with false statements as to his treatment inside the prison, or wrote and said that he was dying when he was perfectly well, and that kind of thing, his letter would be stopped.

244. (Mr. Brodrick.) But the false statements about his treatment would not be stopped if they were in a petition to the Home Secretary?—To the Home Secretary he could write anything he liked.

245. (Chairman.) Is there anything else you wish to tell us?—No.

246. (Dr. Lyons.) I suppose you are aware of the general nature of the allegations which have been made, and which have been submitted to the Home Secretary in regard to these prisoners?—Yes.

247. Do you think it possible that such a thing as this could have occurred, that Kitchin for two years had for supper nothing but 6 ounces of bread and a pint of water, and for a considerable period could eat no dinner, except upon three days of the week, in consequence of the badness of the soup and the rancid character of the meat?—No; I should say that that was quite impossible.

248. You have sufficient confidence in the whole management of the prison arrangements to think that impossible?—I am sure that that is impossible.

249. Will you furnish us with the cost per annum to the State of each political prisoner?—I cannot distinguish political prisoners from others. I can give you the cost of the prisoners in the lump, and the average cost per head.

250. Perhaps you could give us the cost per annum to the State of the prisoners confined in the prisons in which the political prisoners are?—Yes, I could do so.

251. (Chairman.) The cost of all the prisoners?—Yes.

252. (Dr. Lyons.) Distinguishing the cost of maintenance from the establishment charges?—Yes, we have the whole thing in a statistical form.

Capt. E. F.
De Case.

17 May 1870.

Capt. Stopford.

10 June 1870.

Capt. Suggs. appointment here. In September 1866 I think I came here.

19 June 1870.

255. And you left in 1868?—I left in 1868.

256. And you are now director of convict prisons?

—I went from here to Portsmouth convict prisons?

257. And you are now director of convict prisons?

—Yes.

258. You are, I suppose, aware of the object of this Commission?—I am.

259. I think it would be convenient if you would, if you please, state to us first what number of prisoners were under your charge while you were here?—On an average about 680.

260. Will you give us some details as to the classes to which the prisoners belong; how those in the prison were divided?—They were located in the prison by their classes for conduct. For instance a man joins in the probation class first, all the probation men are located together; a man must be one year in that class, and he is a year in the third class, and they merge from that into the second and then into the first. In the first and other classes all the men are located in separate wards.

261. Is every man on his first admission put into the probation class?—Yes.

262. Then they are classed as probationers here, are they?—They are located. They are not employed in classes, only located in prison.

263. As to the employment of those different classes, will you inform us in what way they are set to work?—Well, the rule has been this, that when a batch of men are received from separate confinement, this being an invalid prison, they are first inspected by the medical officer, and he selects those men who are fit only for light labour, and those fit for full labour. Full labour men are sent to work in the works, and light labour picking oysters and breaking stones in the shed.

264. Will you give us the history of the day of one of those sent out to the bog?—Shall I take the summer hours?

265. The summer hours?—He goes out to the bog at 7, and he works from 7, after he has had his breakfast, to half-past 11 when he comes in to his dinner. They are allowed an hour for their dinner, and about 1 o'clock, or a quarter to 1, after they have dined, they march out to their labour again, and come in at half-past 3, when the bell rings in the summer hours.

266. And then after that what food do they have?—They then come to their tea and get a pint of gruel and a loaf of bread, that is about 6 o'clock, directly after their dinner.

267. After 6 o'clock what is done?—After that they either have schooling or bathing. One half perhaps will do schooling, and another half bathing; the half that will be for bathing one night will be for schooling the next night, and so on until 8 o'clock, when they are locked up.

268. What do they have for tea at 6 o'clock that you have spoken of?—Evening meal I should call it. They have a pint of gruel and a loaf of bread, 8 ounces I think; the dietary scale will show that, and the second class men are allowed to have the option of tea or gruel with an extra 2 ounces of bread.

269. Do I understand that a man is advanced from one class to another according to work?—According to conduct and industry, both. They must earn 2,500 marks in each class.

270. Is the amount of work at which a man is put, different in the different classes?—No.

271. You spoke of men going to the bog, what is the work that they are first put to?—That depends a good deal on the time of the year. Trenching is our principal work here in winter, and then there is picking up stones, clearing the land of small stones and putting them in heaps. We employ men at light labour for that at this time of the year, and later on most of the hands are employed at hay-making and in all farm work. I am speaking of those men outside on the works. They do other work inside in the prison.

272. You spoke of collecting stones and putting them into heaps. Some of those stones are no doubt very large stones?—No, that is a description of light labour, even collecting stones and putting them in heaps. It is work that is only fit for light labour men, but in trenching and draining sometimes we have to break up large stones and to take them up to clear the land.

273. We saw yesterday as we came along some very large stones placed in a row along the walls and evidently removed from the ground?—That is done by sledging.

274. Then the stones are dug up and put on a dredge and carried to their places?—Yes.

275. When a man is employed in that way, if he finds the work too severe for him, what does he do?—He complains to the medical officer.

276. Supposing that at the time he is actually engaged in work he finds it strain him, what would he do?—He would speak to the warden of the party, who ought to bring it under the notice of the principal warden of the district.

277. That would be the warden's duty to do?—It would. It is a warden's business if a man meets any sort of accident in work, to report it at once; and if necessary, if it is a dangerous accident, or he notices himself from the appearance of the man that speaks to him that he is really ill, he ought to send him in at once.

278. Does he make any record of such a complaint?—He is required to send in a written report to the governor in cases of accident.

279. (*Mr. De Vere.*) That is the medical officer?—No, the warden of the party.

180. (*Chairman.*) It is the warden's business, if required to send it in to the governor?—Yes.

281. Daily?—No, whenever it happens.

282. As soon as he conveniently can?—Yes.

283. Do you believe that during your time that regulation was carried out?—Yes.

284. You have no reason to doubt that it was carried out?—No, frequently convicts make claims for re-admission on the ground of having met an accident in the work; it is therefore necessary to have a report at the time.

285. Can you tell us who they were?—It is impossible after two or three years to tell that. The reports were brought at the time.

286. You were particular and knew that reports were made at the time?—Yes.

287. I presume that on the receipt of a report you communicated with the medical officer at once?—Directly.

288. Were the prisoners so employed aware that they had an opportunity, in case of need, of complaining of the work, and that their complaint would be brought before the governor?—Yes.

289. Are there rules and regulations of the prison being up in separate cells or in any other part of the prison?—They are hung up in the halls and read to the prisoners.

290. Upon their admission?—Yes, and once a quarter.

291. There are printed forms of dietary I suppose?—There are.

292. Showing, I presume, the amount of food to be given to each class?—Yes, the diet scales will show it to you, and also the different scales for hard and light labour.

293. I understand that the allocation of different sorts of labour to different prisoners takes place on the advice and with the assent of the medical officer?—Quite so.

294. Confining our attention to the class of prisoners with whom we are specially concerned, let me ask you, during the time that you were here were there any treason felony prisoners here?—There was only one here.

295. Was that Milesky?—That was Milesky.

296. Lennon was not here?—Lennon was not here, he was received since I left.

297. Do you recollect at what time was Malinsky received?—He was received on the 8th February 1867.

298. From where?—From Millbank.

299. When he came here what was done with him, what class was he put into?—He came in probation class and was treated as such, and located in it.

300. In which class was he then put for work?—When he was sent to full labour he was reported by the doctor as fit. He was examined by the doctor like all prisoners, and sent to full labour.

301. How long did that continue?—To the best of my belief he remained at full labour for about three weeks.

302. Had you any complaint from him during that time?—No, I had not. I do not think he complained to me at all of his labour at that time. He did to the doctor, I believe.

303. Is the doctor here at present?—No; Doctor Ashham, who knows Malinsky's case and all about it, is now medical officer in charge of Woking female prison, and I suppose that in the event of your going to the male prison you would see him.

304. He was the medical officer here at that time?—He was the medical officer here at that time.

305. In reference to Malinsky, when first, if at all, did you receive any complaint from him?—He made his complaint to the doctor, who at once took him in and put him on light labour. He made no complaint to me about his work to the best of my knowledge. It is so long ago that I do not remember, but there is no record of it.

306. Have you any recollection that he complained of anything besides his work?—No, I have not. He asked me several times for leave to write letters.

307. Was that leave according to the prison rules?—Not according to the prison rules, but he received letters and wrote replies on special grounds when they were not due.

308. How often are prisoners allowed to write letters?—A man in probation class writes one letter on reception to acquaint his friends of his removal. Then again in the third class he writes a letter—once in six months—provided the last two of the six are passed in good conduct. Then in the second class he writes every four months, and in the first class every three months.

309. Do I understand that the leave given to Malinsky was an indulgence which would not have been granted to other prisoners?—No, I do not say that, for sometimes under special circumstances in cases of death, when a prisoner receives an announcement of the death of his wife, I would then take on myself to give him a letter.

310. I should rather say an indulgence, which under the rules of the prison would not be given?—Yes.

311. But in a case of emergency would have been?—Yes.

312. Let me ask you whether you received when that prisoner was sent here, any instructions from the House Office with regard to the treatment of that class?—None whatever.

313. Nor at any time?—None whatever.

314. Have you anything further to state with reference to Malinsky during the time that you were governor here?—Yes. He was here for about three months altogether. About the last half of that time he was in hospital.

315. As to what happened in his case, Dr. Ashham can tell more about it than you?—Dr. Ashham knows more about it than I do; it was on his representation to me that I wrote a report to London to request that he should be removed, for the climate may not agree with him.

316. Then he was removed?—He was removed.

317. To what place was he removed?—To Woking. I believe I reported to the visiting director, who ordered him to be removed. It must be done with the Secretary of State's warrant of course.

318. That was after he had been here about half his time?—After he had been here about three

months, but the last half of the three months he was in hospital.

319. Three months was the whole period of his stay?—Yes; he was received on the 8th February 1867, and removed to Woking the 10th May 1867, and I might state, as it may not come out on a question, that he never was reported for misconduct, nor was he ever punished.

320. Is there anything further that you would wish to state in reference to that case?—No, I do not know that there is.

321. It has been stated by him that when at Dartmoor he had to lift great weights; these were probably stones?—Yes, it is quite possible he might have been treading.

322. Might this be the case, that six of these stones were put in a hand-barrow, that is the sledge to which you refer?—No, that is not a hand-barrow.

323. A "barrow without wheels" he calls it?—That might either be intended for the light-labour party collecting stones, and they are called in barrows by two men; but it might be a sledge too. Probably it was the sledge, if he called it "a barrow without wheels." But the officer who was in charge of that party at the time is here.

324. What is his name?—Principal Warder Hodge.

325. He was in charge of the party in which Malinsky worked?—Yes, he was.

326. He would have more personal knowledge than you would?—He would. I can only speak of these things from recollection.

327. I would ask you to describe to us shortly the duties and powers of a director of convict prisons?—My experience is short as a director, but I will give it to you to the best of my ability.

328. How long have you been a director?—I have been a director more than a year now.

329. We should like to know what is the office and what powers has a director. How often do you visit prisons?—Once a month is usual. My duty in coming down here is to see any prisoner that has a complaint to make; to go into his complaint, and to listen in fact to anything he has to say.

330. Do you see every prisoner when you come?—Every prisoner that wishes to see me puts his name down. They are all actually seen by me, but only those in hospital and under punishment, and those whose names have been put down, can speak to me.

331. He knows that he has a right to do that?—He knows he has a right to do that. He goes to the governor and his name is put down.

332. Then when you come you go through the list?—Yes.

333. And hear each prisoner's complaint?—Yes.

334. Do you hear those complaints in the presence of the governor?—Always.

335. You do not see them alone?—Never, and always under an escort. It would not be safe to see these men alone.

336. But you hear everything that they have to say material to the point?—Material to the point. Some of them would talk for hours, and we are obliged to check them often; but I hear everything that is material.

337. Hearing those complaints, what powers have you?—I see the officers connected with him in every way. It may be a complaint against his medical treatment, in which case I would refer to the doctor for his medical report. They also see me about letters, and anything in fact they would like to ask. The governor has no power to prevent a prisoner from seeing the director if he wishes to put his name down. That is with regard to the prisoners seeing me. And with regard to punishment, all cases of severe penalties and insubordination are remanded for the director. When the director comes he takes the evidence down on oath, hears the prisoner's defence, and forms his judgment, and sees any evidence there may be for the prisoner. As to the power of punishment, a director can inflict 28 days close confinement on punishment diet, six months

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separate confinement in the penal class. I may tell you that in all cases of punishment that there must be an interval of one day between every three, on penal class diet; that is, change of diet every third day, so that the bread and water is not continuous. Then, in addition to that imprisonment, the director can inflict corporal punishment to the extent of 35 lashes, and he can order a man to be placed in cross irons and party coloured dress for six months, or the irons for six months and the dress for a longer period if necessary. Then he can further sentence a prisoner to undergo "loss of remission." Every man is entitled to a certain amount of remission, and the director has the power for offences to forfeit the prisoner so much of his remission as he pleases; he can forfeit the whole of it if he thinks fit.

338. By "remission" you mean, I suppose, lessening the period of imprisonment. Supposing a man sentenced to seven years' penal servitude for good conduct, he would be entitled to be released at the end of two years and three months?—Five years and five months, I believe, if his industry and conduct were satisfactory.

339. But if his conduct is bad, you have the power of depriving him of the advantage of that remission?—Yes.

340. And consequently he should serve his full sentence?—Just so. Five years and five months is the remission.

341. (Mr. Brodrick.) Does a director see any prisoner who does not put his name down to see him?—No; he does not, except those under punishment and in hospital.

342. Is the right of the prisoner to put his name down to see the director in any way dependent on the governor?—He sees the governor and asks to see the director. He puts his name down to see the governor, and the governor records his name in the list for the director.

343. Is it the duty of the governor to put down the name of any prisoner who applies for it?—It is.

344. And does the right of putting his name down to see the director continue up to the moment of the director's arrival?—It could be put down up to that morning, certainly; up to the moment of arrival there would be difficulties.

345. It has been stated in the case of one prisoner not on any list, who applied the day of the director's arrival, that it was refused on that ground?—It is quite possible that it might have been; but as governor, if a prisoner intimated to me on the morning that the director came, that he wished to see him, I would put his name down.

346. Would the director pass through the prison as a matter of course, and look at the general arrangements?—Yes.

347. But the cells are not thrown open so that anyone might appeal to him?—No.

348. Are you aware what the practice is when country jails are visited?—I do not know anything about it.

349. What right of appeal has a prisoner from the director's decision?—He can petition the Secretary of State.

350. Could he petition the Secretary of State against the punishment inflicted by the director; as to the loss of remission, for instance?—He could petition after he had done his punishment. He would not have the chance of petitioning so long as he is under punishment.

351. Then is it a rule that no man under punishment can petition the Secretary of State?—They cannot.

352. The punishment might last, as I understood, for six or nine months, might it not?—Nine months is the extreme.

353. Except so far as this rule may operate, has the director power to stop a prisoner's petitioning the Secretary of State?—No.

354. Is he in any way consulted in the matter?—

The governor can give him leave to petition the Secretary of State; but the rule is, there must be an interval of 12 months between each petition. For instance, if a man petitions to-day and receives an answer from the Secretary of State, he cannot petition again for 12 months. The petition is then forwarded to the director.

355. Supposing a man to petition to-day, say on the ground of his food being insufficient, or bad medical treatment, or whatever his complaint may be, and supposing a totally new grievance arises a month hence, could he petition?—The rules are that he could not petition again for 12 months, but the governor is quite authorised to use his discretion. For instance there might be a fresh grievance turn up with regard to his trial; it would not be fair, it would be very hard, to keep that man waiting 12 months before he could represent this. We have had cases of prisoners who presented fresh evidence relative to their trial which was important to them, and we have always given them liberty to petition. As a general rule there is an interval of 12 months.

356. And that rule of 12 months interval is applicable equally to complaints of the prisoner about his prison treatment and to petitions against the justice of his sentence?—You mean with regard to the interval between them.

357. Yes. Suppose a prisoner to petition against the justice of his sentence to-day, I gather from what you tell me that even if ill-treated, he could not petition on that ground for 12 months?—No, he could not.

358. Although that ground would be quite distinct from that of the justice of his sentence?—Yes.

359. How does a prisoner become aware that he possesses the right of petitioning the Secretary of State?—I cannot tell you that. It is laid down in the general rules I believe.

360. Is it laid down in the rules which are hung up?—There is an abstract here. No, it is not on the abstract of rules.

361. Do you believe it to be universally known to the prisoners that they possess that power of petitioning the Secretary of State?—Oh yes, there is no doubt of that, but how they know it. I can tell you this; in the rules for the principal warders and warders, there is a clause in that which states they are to be careful to report to the governor the moment a prisoner wishes to see a director, and to put his name on the list. There is a clause in the rules to that effect, so that they know by that, the officers know, and it gets from the warders to the prisoners I should imagine in that way; but I cannot tell you that it is exactly laid down for the information of the prisoners.

362. Has the director any power over the privilege of writing letters?—Yes, he has.

363. In what way; how does it come before him?—In the same way, a man puts his name down to see the director, frequently to ask for a letter, which we give them specially under certain conditions, for instance, in case of death, or in a case of emergency.

364. The rule with respect to class applies equally to the right of writing and of receiving letters?—Yes.

365. That is to say a man is allowed to write and receive the same number of letters?—To write and receive.

366. Would the withholding of letters, or the withholding the right of sending letters, ever be imposed as a punishment?—It goes with the punishment. When a man is reported for misconduct he is generally degraded to a lower class, and therefore the privilege of the class goes with it, and writing a letter is a part of the privilege. For instance, if a man is degraded to third class, he loses the privilege to write.

367. Supposing a governor says to a prisoner "A letter has come for you, but for misconducting yourself you won't have it for a week or a fortnight," would that be a legitimate act on the part of the governor?—The man would have to wait a great deal longer than that if he was reported. It depends on the time he was degraded to his class. The

governor would say to a man of the third class, "I degrade you to the probation class," he would therefore be deprived of the power of writing for a time. The privileges go with the class. We never use it as a punishment, a special punishment, and say, "We take your letters from you," but "We degrade you to a class," and therefore the privilege of writing is consequently delayed.

368. In your capacity of director, have you ever received complaints from treason felony convicts as to any special severity being exercised towards them?—During any time as director. Never at this prison.

369. As governor, have you received any complaints?—No.

370. When you speak of inflicting nine months separate imprisonment as a punishment, does that imply the prisoner being sent back to Pontonville or Portland?—No, it does not necessarily.

371. He may be imprisoned separately in this prison?—Yes, I should like you to ask me again about complaints of treatment. When I was giving the answer I was thinking of this prison. As director of this prison I have never had complaints from treason-felony prisoners; but in Portland I have had complaints frequently.

372. Since you have been director?—Yes; trifling complaints, not of punishment, but about change of diet, and that sort of thing—that the diet had not been wholesome, and complaints of that kind.

373. Have treason felony convicts ever complained to you of being treated with peculiar harshness as such?—Oh yes; only the other day I had complaints of that at Portland.

374. What peculiar severity was alleged?—Well, the general rule is, they were treated the same as the convicts. That is the complaint that was generally made.

375. That they are treated as other convicts?—That they are treated as other convicts and not exceptionally. I should like to have that question of mine answered again; it seems rather contradictory. When I state I have never heard any complaints of treatment from treason felony prisoners, I mean in this prison; but since I have been director I have had frequent complaints at other prisons.

376. Then do I understand you to say that the complaints actually claimed the right to be treated differently from other convicts?—Yes.

377. At all events, did they expect to be formed into a special class, as it were?—Yes.

378. In your experience of convict prisons has it ever been the practice to adopt the work of a prisoner to his previous occupation?—No, we do not generally do that, except in the case here with shoemakers. We have to make a large number of boots and shoes, and we generally select the men who were shoemakers to do that work; but we do not as a rule employ men according to trades; we could not do it. We employ there inside the prison, such as tailors and cleaners, according to their conduct. When a man gets into second or first class we give him a berth inside, but he must gain it by his conduct outside first.

379. If a man was accustomed to head work rather than hand work, would it be possible to find anything more suitable to him?—It might be. We should treat him the same at first outside. Then if we found by his conduct that he was useful, perhaps as a nurse in the infirmary, we could employ him as such. But there is no employment of the kind you speak of that we could give them.

380. They are never employed in clerks' work, for instance?—No.

381. (*Dr. Lyons.*) What incident in the punishment of prisoners seems to you to bear most hard upon them, or that they appear to complain most about?—Loss of diet. I suppose you do not allude to corporal punishment. Of course that is what a man would complain of most, if he was subjected to it. They dread that more than anything; next to that loss of diet.

382. You think they dread corporal punishment most?—Yes.

383. Loss of diet next?—Yes, and forfeiture of remission next.

384. Do they seem to suffer much from withholding letters from them, or depriving them of the power of writing letters?—They attach great importance to it, and feel the privilege very much.

385. Would you now on consideration put that before any of the others that you mentioned?—No, I should put it last—corporal punishment, diet, forfeiture of remission, and letter writing.

386. And letter writing last?—I think so.

387. Do you think there is not a difference in the way in which these things would be regarded by prisoners, having in view their previous condition of life?—Certainly; I am only taking the majority of convicts.

388. Do you not think that the withholding of letters—of the privilege of receiving or sending out letters—would fall very heavily on persons of a certain amount of education?—More so than upon the others certainly.

389. In regard to such persons, have you any power of granting to them a greater privilege with regard to the receipt, or the issue of letters?—Yes, I have; and I may state that with regard to the treason felony prisoners at Portland, I have hardly ever refused them a letter when they have asked for it.

390. Is there any difference at all made respecting the class of labour the men are put to, having regard to their previous habits of life?—No.

391. Is there none whatever?—No, none.

392. Would a man of literary and sedentary habits, and who had been in the rank of a gentleman previously, be put to exactly the same kind of physical labour that a man who had previously been of a lower class would?—He would.

393. Is it consistent with your knowledge that this is felt as a degradation and an additional element in the severity of prison discipline in its effects on the prisoner?—Well, I should think it must of course. A man not accustomed to manual labour must feel the physical severity of it no doubt; and we all know this, that a man who has held a better position in life outside feels very keenly having to associate with convicts, with thieves.

394. I was coming to that in a moment?—No doubt.

395. Do they complain of the fact of their being put to labour?—Are you speaking of the treason-felony prisoners?

396. I am speaking generally now, I will come to that particular class again. Do persons in the position of gentlemen, and accustomed to literary and sedentary modes of life, complain of being put to common manual labour?—Yes, they do, occasionally.

397. They do?—They do.

398. Are their complaints attended to in any way?—Perhaps more generally (as they get their classes by good conduct); then if we can possibly find them a berth inside we give it to them. But that depends entirely on their advancement in their classes.

399. Do you consider what is called "hard labour" here to be a really heavy day's work for a man to do?—Hard labour, yes.

400. It is a heavy day's work for a man to get through?—Yes.

401. Trenching and stone lifting?—Trenching and stone lifting, yes. Trenching and stone lifting go together.

402. Is it really hard work, such as would be performed by a labouring man for hire?—It is.

403. Is it as hard work as would be expected of an ordinary labouring man?—No, certainly not, at this prison.

404. It is not?—No.

405. Are they supposed to do as much work as ordinary labourers for their day's work?—Well, it is hard to tell you, because what a labourer does here in this part of Devonshire, I do not think they work much but they are expected to do as much.

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404. Is your labour here harder than that of the prisoners in the surrounding districts?—No, I believe not.

407. Is it as hard?—It is about the same, though not so hard as at other public works prisons.

408. Well then, I come back to ask you again, do you consider as a hard day's labour the work that a convict is put to here, full labour?—It is.

409. It is a hard day's labour?—Yes.

410. How many hours in the day is a prisoner working at it?—Nine, I think. About nine hours, I think, the longest day. I think that I am right in saying it is about nine hours.

411. Then we will take it that there are nine hours of really hard labour involved in a day's work in full labour?—In the longest days. That is for the level labour.

412. I am asking you of the hard labour?—Yes.

413. Have you any scale by which to measure the amount of work that is done by a gang of men, or by an individual of that gang?—Here we have not. We do not measure our work here. In public works prisons, nearly all the work is measured so far as possible.

414. A convict at labour is under the direction of a warden I suppose?—He is.

415. Has that warden power to make him work up to a certain standard of hard work?—Yes, he has to keep him up to a certain standard.

416. How does he do that?—By his own observation; he knows about what a man ought to do.

417. How does he enforce the labour of a convict who is rather slack in his labour?—Well, the rule is that he would speak to the man, caution him, tell him he is idle, and caution him to go on with his work, and if he disregards that caution he brings it under the notice of the principal warden of the district under whose supervision those parties may do the work in, and then the principal warden reports to the deputy governor, or if the deputy governor is in the charges then he may bring it to his notice. He visits the works for that purpose.

418. Then that warden has a certain power over the men to force them to work?—In that way; in no other way.

419. Then he would stimulate their labour by speaking to them. The fear of being reported would be a stimulus?—Just so.

420. Would it be possible that a warden would go to the length of abusing them, threatening them, or using insults towards them?—He would lose his situation if he did, if it was known.

421. I observe that every warden carries a staff?—Yes.

422. Would it be possible that a warden could use his staff to beat or strike a man?—He does not do it.

423. Has it ever come to your knowledge that it has been done?—No, except in self-defence. I have known them to use it in self-defence. Assaults are frequent in this prison, and they have to use their staffs or swords in self-defence.

424. They are not allowed to use their staffs to stimulate them?—No; a man would lose his situation at once.

425. Does a warden get any special directions with regard to the use of the staff?—Never to use it, except in self-defence.

426. Is that communicated to him orally, or are there written instructions respecting it?—Well, I believe it is communicated to him orally. I do not know of any printed regulations. I do not know if it is in print, except that it is laid down, I believe, that no man is to ill-treat the prisoners, but it does not specify sword or staff.

427. It is stated in some complaints with regard to the political prisoners that objurgations of one kind or another were used against them by wardens, and that such expressions as "You are no longer gentlemen here; you must work," were uttered?—I have not heard of that.

428. You say you have not heard of it?—Yes.

429. No complaints of that kind were made to you by political prisoners?—No.

430. Either here or elsewhere?—No.

431. I think you said that you consider the work here a hard day's work?—Yes.

432. What means are taken to ascertain when a prisoner comes here whether he is fit for that kind of hard work or not?—He is suspected by the medical officer before he is even sent to any work at all, and he is selected then either for full labour or light labour.

433. And the selection rests entirely, I presume, with the medical officer?—Quite so.

434. Now with regard to Mulcahy, a treason-felony prisoner, who was brought here, I think you said that he was put on full labour?—He was.

435. Did he break down at that full labour?—He complained and was removed to light labour.

436. How soon?—About three weeks, I believe, it was.

437. About three weeks?—Yes.

438. If he broke down after three weeks on full labour, would you not think that rather presumptive evidence that he was not fit for full labour in the first instance?—No; frequently we have here hale, heavy men put on full labour, and suddenly they change and come to light labour. They constantly change from full to light.

439. Would you have regarded Mulcahy as a full hale, heavy, vigorous man when he came here?—Yes, certainly, to look at him I should have.

440. You should have?—Certainly; he was a tall, fine looking man.

441. Are you aware that he suffered from blood-spitting here?—Yes; it was on account of blood-spitting that I recommended the visiting director to remove him.

442. Do you think that that blood-spitting was produced in any way by the hard labour that he was put to?—Well, I cannot say; it is a medical question.

443. That did not come before you in any way?—No, I saw him every day in the hospital, and as far as I remember I do not think he began to spit blood until after he had been in hospital some little time.

444. It was brought to your knowledge that he was often spitting blood?—The doctor mentioned it to me.

445. That was an official communication?—Yes, I brought it under the notice of the visiting director, on which he was removed to Woking.

446. It was stated that they were made to carry stones on their backs; is that true?—I have never seen them.

447. It is distinctly alleged that they were made to carry heavy slabs of stone on hand-barrers or on their bare backs, for hundreds of yards, through the bog?—No, never on their bare backs.

448. Then, if not on their "bare backs," were they obliged to carry them on their backs?—No, on sledges in the mode of carrying large stones.

449. Then do you consider it absolutely not the fact, that they were made to carry stones on their bare backs?—I believe it is not the fact.

450. Mulcahy complained to Messrs. Pollock and Knox of his having been made to carry flags on the back, and he rose from his feet and showed them how he was obliged to carry them. Do you think that occurred while he was here?—I do not think it did.

451. (Continued.) The warden would be the man to speak next upon that?—He would. He certainly never complained to me of it, and I never saw it.

452. (Dr. Leeson.) Would you undertake to state with certainty that it did not occur?—I could not, but I think it quite impossible. I have never seen a prisoner do such a thing in my life.

453. Would you undertake to say that it was contrary to the discipline of this prison, and contrary to your convictions of discipline, if a convict was made to carry stones?—On his bare back?

454. On his back, whether bare or not?—Yes.

455. You think it would be?—Yes.

456. Do you think it on the whole not likely to have occurred?—I think it not at all likely.

457. Did you ever hear it mentioned before?—I have known it only by seeing the evidence in the last Commission that sat. That was the first I heard of it.

458. Could you name any warder who was in charge of any of the treason-felony prisoners, who properly could give particulars with regard to that allegation?—I think principal warder Bodge could.

459. Is he in this prison at present?—He is.

460. Is it consistent with your knowledge that any of the prisoners were ever yoked to carts by means of collars fastened round their necks?—Not round their necks; they draw cars with yokes fastened across the shoulder and down across the chest, over the shoulder and under the opposite arm.

461. How many men are so yoked together?—That depends a good deal on the kind they have to draw: about five or six to a small cart.

462. Are there any beasts of burden employed in the prison works?—We have horses employed in drawing for farm purposes; for cleaning measure and that sort of thing for the farm; cart horses.

463. When five or six men are yoked to a cart, what weight are they supposed to draw?—I can hardly tell you the exact weight.

464. Who could tell it?—The warder in charge of the party could tell it. I do not know how much the small carts weigh; or how much they carry. We generally go by the size of the cart.

465. While the prisoners are at work are they supposed to be silent?—Yes.

466. They are not permitted to speak to each other?—No, except as regards the work. It is a very difficult thing to enforce silence on the works, a very difficult thing; but the rule is, they shall not talk except as regards the management of the work.

467. Is the rule with regard to silence a recent one, or has it been long in force?—It came into force to the best of my belief about three years ago.

468. Was it in consequence of Mulohy's health breaking down here that he was sent from this to Woking?—It was in consequence of his spitting blood.

469. You said a while ago that it was not safe for you to see a prisoner alone?—No.

470. Why is that?—There is always a chance of these men swindling one. I should not at all like to be alone. I should not think it advisable to put one's self in the way of these men. Many seem to lose their tempers if they do not get what they want. If I decline a request a man frequently loses his temper, and he might, of course, assault me.

471. With regard to the letters, may I ask you again, did Mulohy apply to you at any time for the privilege to write letters?—Yes, I believe he did.

472. In regard to important family incidents?—I believe he did.

473. Did you accord him that licence?—I always referred him to the directors in London.

474. Can you say if he was refused that privilege?—I believe he was, once or twice.

475. With regard to the penal restrictions of diet, you mentioned, I think, that you had power to put a man on 28 days' bread and water?—Yes, as director.

476. With an interval every fourth day of a return to ordinary diet?—Yes, penal class diet I believe it is.

477. Penal class diet?—Yes. Perhaps you would allow me to satisfy myself by getting the diet scale. Penal class diet I believe it is (*hardt in scale of diets*).

478. Then it is penal class diet that he would be put on in the interval?—Yes.

479. Has it been often put in practice that a convict has been put for 28 days on this bread and water system?—Not often.

480. Did it occur to any of the treason-felony prisoners?—Never in my experience; I have never known one put for so long.

481. Do you happen to know an instance where a man was put 28 days on bread and water diet?—No. I have sentenced men myself to 21 days, and have hardly ever given 28 days; 21 is about the greatest extent I like to go to, and that is only in cases of gross insubordination.

482. Do they seem to you to suffer physically or constitutionally from such a lengthened restriction of diet?—Yes, I think they do. I think 28 days' punishment diet does affect a man's physical condition for a time; but I do not know that it would afterwards. Continued punishment day after day, and week after week, no doubt would affect a man's constitution.

483. Is the punishment of three days' bread and water frequently used?—Yes, it is.

484. Would you say that it is very frequently used?—Yes.

485. During that period a man gets a pound of bread, and as much water as he likes to drink?—Yes.

486. Have you observed ill effects from nine months' penal diet?—No, I have not.

487. (Mr. De Foe.) You said in reply to a question put by one of the Commissioners, that you have had frequent complaints in other places, though not here, from treason-felony prisoners, but that they generally complained of not being exceptionally treated?—I mean by that, that they complained of being treated as other convicts.

488. Did any of these complain of being treated with exceptional severity, as being treason-felony convicts?—No, not to me as a director; certainly not.

489. Or as a governor?—Or as a governor. You see the complaints that these men would make to me would probably be made against my own treatment as a director, and they have never complained to me of severity, during the time I have been a director. I believe they complained to other persons of their being severely punished—to other directors some time ago, but they have never complained to me of the severity of their treatment.

490. Is there a medical officer at Dartmoor now?—There is an assistant surgeon. The medical officer has recently been removed to the Woking female prison, and his vacancy has not been filled up. But we generally have two here.

491. How long has the vacancy existed here?—About six weeks I think.

492. And during that time the principal medical duties are done by the assistant surgeon?—They devolve on the assistant surgeon.

493. How is the assistant medical officer qualified; what qualifications as a medical man has he?—This present medical officer, or do you mean as a rule?

494. We will take the assistant now in charge?—I can hardly tell you that.

495. Are the rules now in force in this prison the same as when you were governor?—Yes, they are.

496. With regard to Mulohy, you say that for three weeks he was on full labour?—Yes.

497. Can you state what was the actual employment that he had to perform at the time?—To the best of my belief it was trenching, as far as I can remember. It is a very difficult thing to remember a man's labour so long as that; but I only speak from the best of my recollection. I believe it was trenching.

498. After three weeks he was put on light labour?—Yes.

499. Can you state the nature of the light labour in which he was employed?—In the tailor's shop, to the best of my belief.

500. And how long was he employed in that light labour?—About another three weeks, and I think the remainder of his time was in the infirmary. He was here about three months altogether; he was in the hospital 42 days or 43 weeks.

501. If a convict has a complaint to make his first course, I think you stated, is to complain to the warder?—Yes, if on the works.

502. If the warder should not report the complaint,

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us it is his duty to do, what means of redress would the convict have?—I should find the warder for his neglect of duty.

503. How would you know that the warder had neglected his duty?—I should make inquiries from the prisoner, or satisfy myself from the general aspect of the case whether it was true or not; inquire to the best of my ability. I am speaking as governor.

504. If a warder failed in forwarding to the governor a complaint made by a prisoner, how would the governor know that the warder had so failed in his duty?—When the prisoner would make a complaint of that kind the governor would naturally ask, "Has this been reported?" If it had not been the warder would be sent for, and if he denied it the principal warder would be sent for, for the prisoner could complain to him also on the works. I should ask him, "Has the prisoner reported to you?" and if both the principal warder and the warden stated to me that the prisoner had not complained, I should accept that.

505. I am now referring to complaints for hardship or ill-treatment. Have the prisoners any way of complaining to the governor, except through the warden?—Yes, he can put his name down to see the governor without giving the warden any reason at all, or he can ask to see the chief warden or the deputy-governor. He is not bound to give his reasons at all.

506. Has a convict any means of knowing whether the warden has forwarded his complaints or not?—No; he can only come up and ask it of the governor. He can find it out in that way.

507. Is it the duty of the governor on receiving a complaint through the warden to give a reply to it?—Yes.

508. Is that obligation recorded in the rules?—No, it is one of those points that, as governor, I consider it a duty to give a prisoner every satisfaction in a point of the kind, to let him know exactly the truth if I can.

509. Is it in the power of a warden to make the labour of one man more severe than that of another?—No.

510. I may put my question perhaps more distinctly. Suppose a number of men are at work, some of them drawing stones and the others trenching the ground, and some of the ground is easier worked than the other portion, would it not be in the power of the warden to put one man to more severe work than another, supposing he had a grudge against him?—It is possible.

511. Have there been any complaints made, that you are aware of, of partial and unjust conduct of wardens in charge of works?—Yes.

512. And in their complaints did prisoners suggest any motive on the part of the warden or officer in charge?—Prisoners commonly complain that their work is harder than that of another man, and that the warden has got a feeling against them.

513. Have they ever stated to you that that partial and unjust treatment was in consequence of their having made complaints against the warden?—That has been stated.

514. When such complaints are made, are they investigated?—Yes.

515. How are they investigated?—By calling for reports from those in authority, whether they have observed any unfair treatment, or any man put to harder work than another, and whether the officer has been overbearing in his conduct towards the men.

516. Is that examination at the works made in presence of the convicts?—No; if I have good reason to believe that a warden is exceeding his duty on the works or anywhere, I do not say anything to him about it; I pay particular attention to him myself, and direct the principal officers to observe him, and then I satisfy myself whether the charge is good or not. It is difficult to take the evidence of convicts as to things of that kind, for they are continually bringing false charges against wardens, so that in charges of this kind it is done more by the governor's

own observation, and the observation of those he can trust.

517. Is the evidence of the complainant taken in the presence of the warden or not?—No; the warden is not there.

518. He is not present?—No.

519. When a complaint is made to a director against a governor it is made in the presence of the governor, is it not?—Yes, in the presence of the governor when the director sees the prisoner.

520. If a complaint were made to a director, a complaint generally as to diet, or labour, or anything else, would it be made in the presence of the governor? Is the accusation heard by the director in the presence of the governor?—It is.

521. Whether the governor is himself a party implicated or not?—Yes, because the governor always is present with the director when complaints are heard. It is his duty to attend and explain anything, if called upon to do so.

522. Is it in the power of the governor to make the punishment of one prisoner more severe than that of another?—Yes, by removing him from one kind of employment to another.

523. Have complaints ever been laid before you as a director, of partial treatment by a governor?—Never.

524. Has it ever been suggested to you as a director that a governor's conduct towards a prisoner has been influenced by any charges brought by the prisoner?—Never.

525. Are there any dark cells in Dartmoor?—There are two.

526. On what occasion are they used?—When prisoners become refractory, and disturb the quiet of the other prisoners.

527. For what period can they be used continuously?—72 hours.

528. Are they absolutely dark?—They are absolutely dark.

529. Is confinement in a dark cell inflicted by the governor on his own responsibility?—Yes.

530. Does it require the order of a director?—No, the governor can do it on his own authority.

531. For 72 hours?—For 72 hours.

532. What is the diet in the dark cell?—If a man happened to be on bread-and-water diet, bread-and-water diet would be carried out; if on penal class diet, he would be kept on penal class diet. They are used almost invariably as a means of giving refractory prisoners, men who are making a disturbance.

533. In bedding allowed in the dark cells?—They are allowed their rugs—regular bedding.

534. On what do they lie?—On a board—a wooden bedstead.

535. Are they visited during the night?—Yes.

536. How frequently?—Every hour.

537. Every hour?—Yes.

538. Has any change been made lately as to the periodical visits. I ask you the question because I know that the practice is different in other prisons?—Every hour, I believe it is.

539. (Chairman.) I do not find that you place fetters on the prisoners you put into the dark cells here?—Never.

540. You said, Captain Stopford, with regard to appeals to the Home Office, that an interval of 12 months must elapse between the different petitions?—Yes.

541. Is that a general rule, or does it apply to complaints of the same nature only?—It is general.

542. Then there cannot be a second appeal to the Home Office on any subject whatever until a period of 12 months has elapsed?—That is the rule that we make, but special circumstances may arise where the director would use a discretionary power.

543. But as a matter of right the prisoner has not a right to appeal on any subject whatever, until 12 months have elapsed since his last petition?—Yes.

544. You stated, I think, that during the period of punishment the right of appeal is suspended?—During the period, but for instance, a man undergoing a

punishment ordered by the governor, or by the director, can appeal to me as director when I go round, to consider his punishment, to let him off or remit some portion of it.

545. But during the period of punishment he forfeits his right to petition?—He does.

546. And that period of punishment may continue nine months?—In the penal class.

547. Then adding together the nine months, during which he forfeits his right of appeal as being under punishment, to the period of 12 months, the interval which must elapse between two petitions, there may be a period of 21 months during which he has no right of appeal?—No, 12 months altogether.

548. Then the forfeiture of the right of appeal for nine months is not superadded to the 12 months interval?—No.

549. (Mr. Broadrick.) He would then have an absolute right to petition at the end of 12 months, no matter whether he was under punishment or not?—He would.

550. (Mr. De Vere.) Can you state the percentage of those on full work whose health breaks down?—No, I cannot tell you that, but the medical officer may be able to throw some light on it.

551. You may be able to tell us whether the proportion of educated men, whose health breaks down on full labour, is larger than that of the labouring class?—I could not say that for certain either. I can only tell you that I believe they feel it more than the others.

552. But statistically you cannot say whether the proportion is larger or not?—I am not in a position to say.

553. Perhaps you can say whether on comparing the educated class and the ordinary labourer, the removals from full to light labour are more frequent in the case of the educated class than in the case of ordinary labourers?—I could not say for certain, but I think they would be, for I think an educated man feels the punishment more acutely than, for instance, a thief. I should suppose so.

554. In your opinion does the full convict labour affect the health of the educated class more severely than it does the health of the ordinary labourers?—It is more likely to do so, I should think.

555. But practically does it?—I do not know of any instance of it, but I should think it would.

556. (Dr. Greenhow.) You told us that no special instructions were issued for the treatment of treason-felony prisoners?—No.

557. Have they been treated differently from other prisoners?—Speaking generally of treason-felony prisoners during the time that I have been a director I have given them every possible indulgence. I have given them letters almost whenever they have asked provided their conduct has been even tolerably satisfactory.

558. Then in point of fact they have been treated with exceptional leniency?—They have.

559. Is the diet in this prison identically the same with the diet in the other convict prisons?—Identically the same with the other public works prisons.

560. It is the same as in the other public works prisons?—The same.

561. What is the dress of the prisoners here: would you specify the different articles of dress?—A short, knickerbockers, flannel waistcoat, drawers, long stockings, cap, stockings, drab jacket, drab waistcoat, shoes.

562. And the headclothes?—Eng. two blankets, and a pair of sheets. I believe that is the scale.

563. If a man complained of his bed being cold would he have an extra blanket supplied?—No, not as a general rule. They have one extra blanket during winter.

564. Do you give every man an extra blanket during winter?—During winter, and I might also say that they have a hot ration on Sundays, instead of the bread and cheese, when the weather is extremely severe.

565. A hot ration?—A hot ration during the winter months on Sundays instead of bread and cheese.

566. (Mr. Broadrick.) Does that apply to Dartmoor?—Only to Dartmoor.

567. (Dr. Lyman.) Only to Dartmoor?—Only. It was originally introduced on the recommendation of the medical officer.

568. Does that appear on the records anywhere?—I do not think it does. It was done on the recommendation of the medical officer.

569. (Dr. Greenhow.) What are the hours of labour for the prisoners in winter?—We are guided entirely by the length of the day. I may take the shortest day. They go out about 8 o'clock, 8 o'clock to half-past 11, and 1 to half-past 3.

570. You stated some time since that if a man fell ill on the works, or received an injury, or found the work too heavy, on speaking to the warden of the party he would be reported to the governor at once, and remitted from his work. Is there any record of these reports?—What I meant by that was in cases of accident of a sudden character; but for the harshness of the work he would not be remitted at the time, but he would put his name down in the evening to see the governor. But in cases of accident and sudden sickness on the works it is the duty of the warden to bring it before the governor.

571. My object is to ascertain whether reports of these cases are recorded in a book?—They are not reported in a book, because they are separate reports.

572. Are they filed?—They are separate reports. They are filed. You can see them.

573. How does a man become acquainted with the fact that he can appeal to the Secretary of State from the director?—Well, I do not exactly know where it is recorded, but I believe they are always told it on reception. They certainly all know it.

574. Is it not entered in the paper which is read to them once a quarter?—I believe it is not.

575. Then they only find it out in some irregular way?—I cannot say that there is a regular way of telling them. I do not know where it is.

576. I think you stated that under special circumstances you gave permission to prisoners to write more frequently?—Yes.

577. Have the treason-felony prisoners been allowed to write more frequently?—Yes.

578. And what were the special circumstances that induced you to give that indulgence?—My desire has been to encourage these men to behave themselves, and go on the principle rather of giving encouragement of that kind to induce them to obey the prison rules, than have recourse to punishment. I have held out inducements to them and have purposely avoided having recourse to punishment.

579. Are the letters they send and receive always read?—Always.

580. And if the letters they send contain any statements that are untrue, are they withheld?—Not always.

581. For example, if a prisoner in writing to his wife made a statement with regard to the treatment of the prisoners which was untrue, would that letter be forwarded?—Yes, it would.

582. Would it be forwarded as a matter of course?—I forwarded one the other day. I will tell you a case in point where a man complained of his eyes being bad. I did not believe they were; it went on. We generally, as a rule, refer these letters to the Secretary of State for instructions, and are generally guided by him in that case, and they are generally allowed to go on.

583. With regard to letters sent to the prisoners, is there any restriction as to their contents?—Yes, sometimes letters are returned to the writers.

584. On what account?—Frequently we have had correspondence on political matters. I have returned them always, and informed the writers when they are returned the reasons for sending them back.

585. Do you recollect any convict who had been a gentleman, either here or at the Portland prison,

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where you acted as governor or director?—Yes, there was Roupel, a member of Parliament, at Poole, and a man who went away from here yesterday morning, a clergyman.

586. For what was that clergyman here?—Embarrassment, I believe.

587. And was he put to hard labour?—To light labour when he first came here, because he was a very old man, and unfit for hard labour.

588. But except on account of physical infirmity he was not treated differently from other convicts?—No, we should never think of treating them exceptionally.

589. What was Roupel's employment?—He is now nurse in the infirmary in Portland. He has got into the first-class, and when they gain this class we put them to employment of this kind.

590. How was he employed at first?—When he first went to Portsmouth he was employed cleaning chains.

591. How long was he employed in that way?—I cannot tell.

592. Is the doctor's report sent with each prisoner who comes here?—The medical history.

593. If a man comes here from another prison his medical history always sent with him?—Yes, but I am afraid that in Mulcahy's case his medical history was sent with him.

594. When a man is put upon penal diet for nine months has he the same diet every day of the nine months. I do not mean bread and water, but penal class diet?—Yes, he has; but I must tell you this, that there is a rule when a man is put on penal class diet, that after he has done three months he may be recommended by the governor to be put on the ordinary diet if his conduct during that time has been good.

595. Does the governor see all the prisoners every day?—He is not obliged to see them every day. He sees them going out to labour on the parade.

596. In what way does a prisoner appeal to the governor?—He gives his name to the warder in charge of his ward, and that is sent to the governor's office, and is entered in the book in the list.

597. Are prisoners' clothes occasionally taken from them at night?—They are.

598. For what reason is that done?—Men who are in parti-coloured dress: men who have attempted to escape; their clothes are taken from them and put outside.

599. Are the clothes taken only from such prisoners?—Yes, only from such.

600. Was that ever done to a treason-felony prisoner here?—No.

601. Do you consider that the work in the tailor's shop is light work?—Yes, certainly.

602. What exercises in the open air have the men who follow that work?—An hour in the morning and an hour in the afternoon.

603. That is two hours a day?—Yes.

604. Who examines the food for the purpose of seeing that it is of fair and proper quality?—The governor sees it every day. During my experience as governor I never missed seeing the rations.

605. Is it possible for the food to be served out in an unwholesome state or rancid?—Quite impossible.

606. Or putrid?—Quite impossible. I have never known it. I know that there have been complaints; for instance, men would complain sometimes of the bread being doughy. But the rations generally speaking very good indeed. I have never known them to be putrid.

607. Then it is not possible for the beef to have been tainted?—No.

608. You have never known the soup to have been made of tainted beef?—No.

609. The shins of beef are never so?—Never. If I saw even one shin of beef tainted in a supply I would send it back; I would not allow it into the prison.

610. (Chairman.) You said that the deputy governor visits the works: does that apply to all the outdoor works in the fields?—Yes.

611. Is it his duty to visit them once a day or more?—Twice a day.

612. So that he is present at different times at all the gangs?—He is continually going round. He visits once inside and once outside.

613. Supposing a warder neglects his duty so far as to refuse to receive a complaint from a prisoner, the prisoner would in that case have an opportunity afforded him at least once a day of communicating with the deputy governor?—Yes.

614. Then is it your belief that the treason-felony prisoners have been treated in all points on the same footing as the others, and that whenever an exception has taken place it has been an indulgence to them?—Just so.

615. In cases of misconduct, I understand that when a prisoner is transferred from a high class to a lower class, he loses to some extent the power of receiving or sending letters. Now, supposing a letter to arrive announcing the death of some relative, or a letter to be written announcing the serious illness of the prisoner himself, would an exception to the rule of prohibition be made in that case?—It would.

616. (Mr. Bredrick.) I think you said that the rule of silence is an obligation which has not been introduced above three years?—I think it is about that time.

617. Is it considered to have greatly increased the severity of the discipline; have you received any complaints from prisoners on that subject?—Yes, it is a severity no doubt.

618. In consequence of what was it introduced?—I do not know really what it was that occasioned it. I was governor here at the time that it was introduced. I fancy that it was in consequence of the amount of idleness that prevailed in the works, and the wasting of time in talking.

619. It has been stated that it was introduced specially with regard to the treason-felony convicts?—No; it was quite independent of them. I believe that it was introduced in consequence of the immense amount of waste of time that took place in the public works with prisoners idling away their time by talking, and therefore the rule was laid down that the prisoners should only talk about their work. I think I could give you the exact date of it. It is in this book.

620. I think it was the 20th July 1866?—Yes, I think that would be about the time. I cannot exactly get the date now, but I know that it is somewhere about that time.

621. With regard to appeals by a prisoner against one of the warders or the governor, do I understand you to say that the prisoner would never be confronted with the person of whose conduct he complained, except when that person was the governor?—As a rule they are not confronted, but there is nothing against it. I have often confronted a prisoner with the warder in his presence. I have often done it, but it is not a regular practice. If I think it necessary to do it there is no rule against it. Prisoners are sometimes given an opportunity of writing out their complaints, in which case their written statements are given to the warder to reply to.

622. Is it your experience that the prisoners complain freely of the governor in his presence to the director?—Oh, they have frequently spoken very freely of me in my presence to the director, and in very strong terms too.

623. With regard to the separate confinement at Millbank or Pentonville, does it ever last beyond nine months in the first instance?—I believe it has.

624. Can you explain the fact that some of the treason-felony prisoners appear to have been confined at Millbank for periods considerably exceeding that?—No.

625. Would they be in separate confinement all that time?—I cannot answer that question.

626. In some instances I observe that they were

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sent back to Millbank?—Those were men, I suppose, undergoing medical observation.

627. Two or three treason-felony convicts I perceive have been sent back to Millbank, and I presume underwent separate confinement. Were these punishments for bad conduct in Dartmoor prison?—No, not now; we used formerly send them back to spend the last six months in separate confinement.

628. (*Dr. Lysons.*) With regard to the subject of appeal, about which there appears a little difficulty, I would ask you as a test question, whether you know of any instance of appeal being made to the Home Secretary by a prisoner being successful in getting a wrong rectified that had been complained of by the prisoner?—I have never known of any case, and I cannot name any particular case.

629. Do you think that the system of appeal by the prisoners about alleged wrongs works at all effectually?—Yes, I do.

630. Do you think that a prisoner who had a real grievance to complain of could practically bring that grievance by appeal under the notice of the Home Secretary, and get it properly investigated and rectified if it was a substantial grievance?—I believe he could.

631. But you cannot state from your experience any instance of that having been accomplished?—I can remember in my own experience one or two cases where prisoners had complained of officers not treating them fairly, and where I have found their grievances to be correct and substantiated; cases of officers receiving money, where the officers have lost their situation in consequence. There was a case in point when I was governor here.

632. (*Dr. Greenhouse.*) When men are in a penal class do they do any work?—They pick osun.

633. Are the doctors' reports kept here of every

The witness withdrew.

Major Hocker examined.

Major Hocker.

641. (*Chairman.*) You are the governor of this prison?—Yes, my lord.

642. How long have you been here?—Since the 8th of January in this year.

643. What alterations, if any, have been made in the internal regulations of the prison, or the regulations of the works, since you succeeded Captain Stopford?—I succeeded Captain Bates.

644. What alterations have been made since?—No alteration whatever.

645. Is it your belief that if Captain Stopford gave us a detailed account of the mode in which the prisoners were dressed and set to work, that in all probability it would represent the state of things that now exists?—Precisely so, to the best of my belief.

646. Supposing that a prisoner was at work in a gang on the grounds, and that he was to make any complaint, either as regards any physical suffering which the work entailed on him, or any other grounds, to whom does he make it known?—To the officer in command of the gang in which he was at the time.

647. Supposing the officer refuses to receive the complaint, what would be the result?—He would then put his name down to see the governor.

648. That is when he returns from the field?—Exactly so, my lord.

649. In what way would he put his name down?—He would tell the officer in charge of the ward or landing.

650. The officer in charge of the ward would be a different person from the officer in command of the gang?—In all probability he would.

651. But he might be the same person?—He might.

652. Where any mistake occurs would it be a different man?—Certainly. Besides, he is bound to take his name to the principal warder in charge of the hall.

653. Supposing he has some spite against the man?—That would be known at once.

illness of a prisoner; is there a case back?—Well, I believe there is. The doctor will tell you that. I am almost afraid that the medical cases are sent away with them.

634. Does the governor ever examine the medical histories?—Yes; for instance, if any question were to arise of a man's health I should need for the medical history at once.

635. But is there any petitional examination of these medical histories?—No, not by the governor.

636. (*Dr. Lysons.*) What I intended to ask you was simply this, whether in case of a grievance alleged by a prisoner, and his making an appeal to the Home Secretary, you have ever known the appeal to have been successful, and consequently the complaint rectified. What you stated in reply to my question was, that you had yourself rectified things?—Yes, I remember a case.

637. That was a case of appeal to you as director? An appeal to me as governor it was.

638. But that does not meet the case I put, where a prisoner appeals to the Home Secretary, I want to know whether you are aware of any instance of a grievance having been rectified by direction of the Home Secretary as having been substantiated?—I cannot name one.

639. (*Mr. De Vere.*) Would there be any irregularity in a convict addressing the deputy governor on the works?—A convict could not step out of the works and address himself to the deputy governor. He could only tell the principal warder, or the warder in charge of his party. He cannot step out, otherwise he might commit an assault.

640. Then, although the deputy-governor inspects the works twice a day, the power of appeal would still be through the warder?—Yes, certainly; or by seeing the governor the next day.

654. How would it be known?—The prisoner would tell me, or tell the principal officer.

655. What opportunity has he of seeing you?—Every day.

656. Where can he see you?—Somewhere about; I am constantly visiting different parts of the prison or works.

657. Could a man step off the works to speak to you?—He could on that ground, if it occurred. It would be a breach of discipline for him to step out; but if he had grounds, he could do it. But I have never heard of a man not having his name put down during my experience of 5½ years, because the penalty would be so great if the officer neglected to do so.

658. We are told that the deputy governor visits the indoor prisoners as well as those at work in the fields?—Yes; that is the chief part of his duty, visiting the parties at labour and seeing that they get justice done there as regards their marks, and seeing that the daily work is carried on properly.

659. Supposing a prisoner is not satisfied with the result of an appeal to you, and wishes to exercise his power of appeal to the Secretary of State, what course is taken?—He must in the first place appeal to the directors, and then they will give him permission to appeal against their decisions to the Secretary of State.

660. Does the director hear the charge?—In the case of an officer charged?

661. Yes?—He would not know what the prisoner wanted to see him for; and then, when it was stated, he would send for the officer.

662. And would he confront the two?—If he thought fit.

663. Then every appeal to the Secretary of State goes through a director?—Yes; the governor could not allow a prisoner to communicate with the Secretary of State, without the authority of the director.

664. How frequently does the director visit the prison?—As nearly as possible once a month.

Major Bishop.
10 June 1870.

663. Is the director brought into direct communication with the prisoners?—Every prisoner who wishes to see the director comes to me, and his name is put down to see him.

666. Does it often happen that a prisoner wishes to see the director?—20 or 30 of those present generally every month.

667. What is your practice with regard to sending or receiving letters for prisoners?—I adhere as strictly as possible to the rules laid down for me. If I see that letters are not very objectionable they are passed in and passed out. Sometimes they are very objectionable letters.

668. Supposing they are objectionable, in the use of objectionable expressions, or things of that sort, what would you do?—If there was only a small part of the letter objectionable I allow the deputy-governor to erase it; but if the whole letter had an immoral tendency, or spoke of any subject not connected with the prison, or political affairs, the letter would be suppressed, and I would send for the prisoner and tell him that it was against the rules; and if he was a good man I would allow him to write another.

669. If a letter comes to the prison having in it expressions tending to encourage insubordination, what would you do?—I should return it to the writer with my reasons for having done so.

670. You have only one treason felony case let here?—Only one, my lord.

671. You found him here?—I found him here upon my coming here.

672. What class is he in?—He is still in the probation class, my lord.

673. What work then would that assign to him?—No particular work, my lord. I put him in probation in the place most suited to his strength and ability. He is placed in the stone cutting.

674. Supposing that a prisoner wrote a letter containing statements that you know to be unfounded as regarded his treatment in prison, what course would you take?—I would sometimes let them go on. As deputy-governor I have. As governor anything of the sort never came across me. I have sometimes let them go on, but as a rule I took them to the governor.

675. As a governor yourself what would you do in such a case?—I would send for the man and ask him did he wish his statement to go on, and if he persisted I would refer it to the director. Whenever I am in doubt I refer it to the director; I find that the safest course.

676. Have you in the case of any of the Fenian prisoners had occasion to consider this point, and ended by allowing the letter to go on?—No, my lord; because the governor of Portland prison himself always retained these letters. The governor kept these himself. They were always sent to his office instead of the deputy-governor's.

677. May we take it that the diet we have seen to-day is the ordinary diet of the prisoners?—On this day of the week.

678. On this day of the week?—Exactly, my lord.

679. (Mr. Brodribb.) With regard to the right of appeal to the Secretary of State, how often might the prisoner exercise it?—The rule is that a man may petition the Secretary of State not oftener than once in a year.

680. When you speak of petitions, do you speak of petitions on the ground that his sentence was unjust, or petitions on the ground of ill-treatment in prison?—Petitions on any subject.

681. Then if he had petitioned on one ground, say as to the justice of his sentence in the present month, would he be unable to petition on any other ground, as for instance, the ground of ill-treatment in prison, within a year?—That would rest with the visiting director, not with me.

682. Then any relaxation of the rule is in the power of the visiting director, and not in yours?—Not in mine.

683. As a matter of fact, is such a permission often granted within a year?—I think not; I think not,

except in special cases, because most of the petitions that I have seen regarding the remission of their sentence were for some flaw or simply to wish for a re-investigation of their case. That is chiefly the ground on which they petition the Secretary of State.

684. Practically, then, the director is the highest authority as regards the prisoner's treatment in this respect?—Yes, the power of the governor is very limited.

685. Am I to infer that a petition on the prisoner's treatment rarely reaches the Secretary of State?—It very frequently reaches him.

686. You say the Secretary of State receives many petitions from prisoners with regard to their treatment in prison?—I should say not with regard to their treatment, sir.

687. Would it be possible for a letter to be stopped as a punishment for some prison offence?—Well, a man may forfeit the indulgence by losing his class, and a letter might be forfeited, if a man persisted, after getting the option of writing another letter, in writing in an improper style.

688. Should you feel justified in withholding a letter that might have been received, or in preventing a letter being forwarded, without reducing the prisoner to a lower class?—I certainly should not do so without reporting it to the director, and asking for his approval of what I had done.

689. If a letter written by a prisoner, or one intended for him, was stopped, would he know of it?—Oh, certainly; he would be sent for and told of it.

690. He would be told that a letter had arrived for him?—Yes, and of the improper nature of its contents, and his friends would know that he had not received it by my sending it back to them. In some prisons I believe the custom is that the letter should be retained in the store.

691. What has been the general conduct of Patrick Lennon since you have been here?—I may say fair.

692. Has he been under punishment since you have been here?—He has.

693. What was the nature of the punishment?—I gave him three days' bread and water, and sentenced him to 14 days' penal diet; he and two others with him of the same party.

694. For what offence was that?—For disobedience of orders, for combining and attempting to incite other prisoners to resist authority, in not taking off their jackets while at labour. I looked upon that as a combination between these three men to incite the others to resist authority, and therefore I sentenced him to three days' bread and water diet and 14 days' penal class diet.

695. Were these two distinct sentences, or was that a part of the same sentence?—Part of the same sentence.

696. How long ago was that?—I think it was six weeks ago, the 18th May.

697. Have you ever since you have been appointed governor received complaints from him of his treatment in prison?—I think that on one occasion I did. He asked to see me, and he said that he did not receive proper treatment from the medical officer.

698. The medical officer is, I think, now removed to another prison?—One of them is; but I think that at the time of this complaint the present officer was here.

699. (Chairman.) He is the assistant surgeon, I believe?—He is the assistant surgeon.

700. (Mr. Brodribb.) Was that the only complaint that you received from him?—I think that on another occasion he asked to be removed from his present work. I can tell you exactly the words in which he made his application. On the 17th May he asked for permission to write a petition.

701. That was the day before he was under punishment?—The day before he was brought up. It was granted. "Move me from my work—stone cutting," was his application. "I will see the doctor about it," was my reply. The doctor said it was the lightest

work he could have, and the most suitable to his complaint.

702. (*Dr. Lyons.*) What was his complaint?—I think he complained of his chest. I have spoken to the doctor occasionally about him, and he said that there was no ground for his believing himself so ill as he alleges.

703. What is his work?—A stone cutter.

704. Under shelter?—Under shelter. He also put his name down to see me on the 1st April, but when the time came he said he did not wish it, he changed his mind.

705. (*Mr. Brodick.*) Do you enter in that book that you have in your hand, or in any other book, the complaints which come to you through the warders?—Not in this book. Any application the prisoner makes to me I write here and my reply.

706. What is that book called?—This is called the governor's application book.

707. Would the warder report any complaint to you in writing or verbally?—A prisoner's complaint?

708. Yes.—He would tell me to put it down.

709. And then the complaint would figure in the form of an application?—Yes. On the 21st March I see Patrick Lennon's name down to see me. He asked me if he could petition, and I told him he could not until after 12 months from the last occasion.

710. Was that to petition the Home Secretary?—Yes. He asked me, "When can I petition again?" and I said about June next.

711. What is the rule about receiving visits?—It is according to the man's class and conduct.

712. Can you state what the rule is with respect to receiving visits?—According to the rules and according to class. (*Hands in a copy of the rules.*)

713. Is there any rule with respect to appeal to the Secretary of State, except what may appear in those which you hold in your hand?—No, sir.

714. There is nothing about it in them. Then by what authority is the right of a prisoner to petition the Secretary of State restricted to once a year?—I could not tell you, sir. These are the orders that prevail or obtain in the service, that 12 months shall elapse between the petitions.

715. Do you suppose that there is no record of that rule; that it is part of the unwritten law of convict prisons?—Well, I would not take it upon myself to say. I should say that the directors had authority for it; that there are grounds for it, and that they would not take upon themselves to act in that way unless they had some authority for doing so.

716. Then it is from the director you consider that you receive authority not to permit an appeal by a prisoner to the Home Secretary more than once a year?—Without his authority. He can do it if he likes. If a man is not satisfied with any saying that 12 months must elapse from the time of the last petition before he can petition again he would say, "I wish to see the director," and then I would put his name down to see the director, and if the director likes he can grant it.

717. Have you ever received from Lennon complaints of his being treated with exceptional severity as a treason-felony convict?—No, sir; he made a general remark to me the other day when he was charged with this offence that I told you of, disobedience to orders and combining with others to disobey authority. I let him off 10 days of the punishment, as the cells are not sufficiently numerous for the number of men who are committed to them, and therefore I sometimes go round, and if I see three or four men whose sentences I can reasonably remit a portion of I do so. I remitted Lennon 10 days' penal diet. He had undergone three days bread and water, and four days penal diet, but the penal diet is a secondary punishment. I generally put them under it to keep them out of temptation. But in this case of Lennon and the other two, with a fourth man, I let them off the 10 days of penal diet, telling them that I hoped they would conduct themselves better; and then Lennon said to me, "Well, sir, I think this

confinement in convict prison is killing me." I said, *Major Bickel*, "I am sorry for it."

718. He did not allude to the fact of his being a treason-felony convict?—No, never.

719. During your experience at Portland did you receive complaints from prisoners on the ground that they were treated with unusual severity?—During the whole time that I was at Portland I never received such a complaint, because in my capacity of deputy governor I could not do so.

720. Such complaints were made to the governor?—They were made to the governor, but not to me.

721. (*Mr. De Vera.*) You say that the complaints from the treason-felony convicts did not come before you, but would come before the governor?—Yes, sir.

722. Is that exceptional on account of their being treason-felony convicts?—Oh no; all complaints would go to the governor.

723. Then there was no special rule as to the complaints in their case?—No.

724. (*Mr. Brodick.*) Then any complaints that were made to you were made to you as governor?—Yes.

725. (*Dr. Lyons.*) Can you say when or how you learned that each prisoner had a right to appeal to the Home Secretary once a year?—When I have been acting for Mr. Clifford as governor I have noted in the book what I have done during his absences and received information from persons about me, the chief warder and clerk, who told me that that was the governor's custom.

726. You gathered it more from general observation than from any instruction?—Yes, from my experience. At the same time I learned my duty from the governors under whom I have served, and I used to hear them decide such cases, and I gathered it from experience in that way.

727. Can you form any idea as to how a prisoner after coming to here learns that he has a right of appeal to the Secretary of State. Is he told that he has such a right of appeal?—No, sir; I do not think he would be.

728. He is not told that he has a right of appeal?—He is not; but I think that as a matter of fact they would know it.

729. You think that as a matter of fact they all know it?—Yes, they are well aware of it.

730. Is that power of appeal to the Secretary of State frequently employed by the prisoners?—Well, I should say that there are two a month in this prison.

731. Did I understand you to say awhile ago that the power of appeal could not be exercised until the permission of the director was first obtained as to its being forwarded?—If the petition was regarding the remission of sentence or anything of that sort I think the governor would grant it; but if it was regarding the convict service I should refer it to the director; but if it was simply for an inquiry into his case, the governor would let him petition.

732. It is obvious that there are two kinds of appeal—one for reversal of the sentence of imprisonment, and the other respecting a grievance under the prison rules or prison management. Am I to understand that the director has a power of veto against sending forward that appeal?—I do not think he would see it. I think that he would see it; first of all it would be sent to him to see before it was sent out.

733. Have you known an instance in which a director vetoed such an appeal?—Never.

734. Have you known an instance in which an appeal was made by petition to the Home Secretary in regard to grievances alleged to have taken place within the prison, and in which such grievances were on consideration found to be substantiated and in which they were remedied as regards the prisoner?—No, I never heard of such a thing.

735. You have never heard of such a result?—Never.

Major Hoyle.

10 June 1876.

756. Then what is the result of all those applications to the Home Secretary, of which you say there is an average of two a month?—As a general rule they come back with the answer "No grounds."

757. (Chairman.) In giving that answer are you under the impression that in the majority of cases the grounds on which the appeals have been made were without any foundation?—Exactly so, my lord.

758. (Dr. Lysons.) Do you believe that those appeals were fully inquired into?—I believe so. I have no reason at all to think otherwise.

759. But you do not as a matter of fact know of any single instance in which an alleged grievance, the subject of a petition, was an appeal notified or reversed?—I have no recollection of any such thing.

760. (Chairman.) You speak only of your own experience?—My own experience.

761. And to what prisons does that experience extend?—To Portland and to this.

762. (Dr. Lysons.) In what form is the reply sent that there are no grounds for the granting of the prayer of the petition?—It is a printed form.

763. What means does the Home Secretary employ to ascertain whether those alleged grievances are well founded or not?—I could not take upon myself to say.

764. Is there any authorised inquiry on the spot directed by the Home Secretary?—Not that I am aware of, sir; and there could not be without my knowledge.

765. Did any such investigation on the spot ever take place to your knowledge?—Yes, in Portland, on the subject of the Fenians.

766. In that case only?—In that case only.

767. I find that there is but one surgeon or assistant surgeon here at present. Is that the case?—It is so at present, sir.

768. How long has it been so?—I can give you the exact date if you like.

769. If you please?—Since the 12th April, sir.

770. The medical staff here consists, what, full of two, I believe?—Yes, of a medical officer and an assistant surgeon.

771. What is the number of prisoners that are actually here at present?—864, I think, to-day.

772. Do you think that the duties in this prison, which were intended for two, can be fully performed by one medical officer?—As a temporary measure, I think they can. It is very hard work for one man to do it, but I can confidently say that I think it is done by the gentleman who is here.

773. (Chairman.) What is the name of the assistant medical officer?—Dr. Rouse, my lord.

774. (Dr. Lysons.) Is it any part of the convict work here for convicts to carry slabs of stone upon their backs?—No, sir; I should say not, unless they are very small. I never saw a convict doing such a thing here.

775. If such a thing were done by direction of the warden in charge of a gang, would you think it a breach of the discipline of the prison on the part of the warden who had so directed its being done?—Certainly, sir.

776. What is the form of yoke that is employed to attach the men in parties to a cart?—It consists of a broad band, four inches wide. It is a flat, broad strap, which is placed over the shoulder and around here. (Hence makes a gesture pointing out the armpit.)

777. (Dr. Greenham.) Is it ever applied round the neck?—Never, sir.

778. (Dr. Lysons.) Could it slip, and press on a man's neck?—No, sir; it is carried as a sash over the shoulder and under the arm.

779. Do you think that a convict working here on full labour performs a hard day's work?—No, sir.

780. You do not think a full day's work at hard labour here a hard day's work?—No, sir; I should not call it a hard day's work.

781. As compared with the work of an ordinary

agricultural labourer in this neighbourhood, would you consider it as hard, or harder?—Not so hard.

782. You would consider it not so hard?—Not so hard.

783. Is it as hard as that of soldiers on "fatigue duty"?—It is about the same.

784. Is it as hard as "shot and shell duty"?—No, sir; it is not so hard as shot and shell duty. No convict undergoes anything like that here.

785. (Mr. Broadrick.) May I take it that no convict undergoes anything like shot and shell duty in this prison?—Certainly not, sir.

786. (Dr. Lysons.) What protection is there that a warden shall not abuse the privilege which he has of carrying a staff?—There is a principal warden in charge of every district. Sometimes, when a district is large, there are two, the deputy governor and the chief warden constantly visit, and if the officers did use a staff, some of them would hear or know of it.

787. Did you ever hear of an officer employing his staff in beating a prisoner or in forcing him to work?—No; but I have known it to be used in self-defence in Portland, where officers have been cut down with shevels and pickaxes.

788. If an officer struck a man with a staff, he might allege that he had done it in self-defence, although it was in no way necessary that he should use it?—He might; but unless he had a witness to bear him out he would get the worst of it.

789. If a prisoner charged a warden with having struck him with his staff, how would the presumption be in case the warden denied it; would it be in favour of the prisoner or of the warden?—I think it would be in favour of the prisoner.

790. If such a charge were made to you as governor, would you investigate it most fully?—Certainly, sir; and I should also report it.

791. What would be done to a warden who was found to have struck a man with his staff?—I should think that he would be dismissed the service, unless he did it in self-defence, which is the only ground on which he could do it.

792. What protection is there against the wardens urging the men to work by using coarse, violent, and abusive language?—I think that if the principal warden heard it he would report it. It would be his duty certainly to do so.

793. Have any complaints of the use of such language been made to you or through you?—No, sir.

794. At any time?—No; I do not recollect an instance in which a prisoner made any complaint to that effect. They sometimes said "the officer spoke improperly and urged me on to reply." I have known cases of that kind to occur, but such instances were chiefly from badly-conducted men I find.

795. Is the shoes ration given here still?—Yes, except in winter, when on the medical officer's request I issued peck instead.

796. To the whole body?—Yes, to the whole body.

797. I observe that compressed vegetable is used as a ration. Why are not fresh vegetables given?—They are only used when fresh vegetables are not to be procured in sufficiently large quantities. Only in those cases.

798. (Mr. De Vere.) Do I understand you rightly to say that a prisoner has not an absolute right of appeal to the Secretary of State without permission or intervention on the part of the governor or director?—He must be permitted by either one or the other, sir.

799. Then he has not an absolute right of appeal without the intervention of the governor or director?—Certainly, I should say not, sir. He could not do it. He could not forward an appeal to the Secretary of State without the permission of either the governor or director.

800. In any case in which an appeal to the Secretary of State goes to the governor or director, it is competent to the governor or director to veto its trans-

mission?—I do not think it is. Certainly not with the governor. I do not know the power of the director.

781. Is the governor asked in every case to forward the petition to the director?—Certainly, sir. If it was not all a doubtful thing I should forward it to the director. I could not take upon myself to stop it.

782. Can you say whether it is competent to the director to prevent the further transmission of such a document?—I should say not, sir. They might send an explanation with it if they thought fit; but they certainly could not stop it, in my opinion.

783. I thought I understood you to say, in answer to Dr. Lyons, that the governor had a right to veto the transmission of a petition to the Secretary of State?—No, sir. I should not send it until the 12 months had expired. I should stick to the order about 12 months being allowed to expire between every two petitions.

784. Then there is a limit of 12 months within which the prisoner has no absolute, indefeasible right to appeal to the Secretary of State?—The director can let it go on.

785. Can the director stop it?—Well, I really cannot tell you what the power of a director is. I could not take upon myself to say. I do not know what their powers are.

786. Is the rule which limits within 12 months the exercise of the power of petitioning the Secretary of State the same at Dartmoor as at Portland?—Yes, sir.

787. When a petition has been forwarded to the Home Secretary, is there any reference made to the governor, either from the Secretary of State or the director, before the reply is sent to the petitioner?—Not that I remember, sir. A reference from the Home Secretary to the governor?

788. Yes, or from the director to the governor on the subject, before a reply has been sent to the petitioner?—Not that I am aware of.

789. (*Chairman.*) Then you can only speak from your own experience?—Exactly, my lord.

790. (*Mr. De Foe.*) Can you state what investigation, if any, as to the merits of the petition takes place?—I could not state.

791. Is it not within your power as governor to see whether any investigation takes place within the prison on the merits of the petition?—None takes place in the prison, sir.

792. Did I understand you to say that no direct communication passes from the prisoner to the governor, but that it must go through the warden?—No, sir; it must come through the chief warden to the deputy-governor, and then on to myself.

793. Supposing a convict has a complaint to make and wishes to make it to the governor, does he make it verbally to the governor himself or through the warden?—Verbally himself to the governor.

794. He has to apply to the warden for permission to put down his name to speak to the governor?—Yes, sir; and he goes to the principal warden in charge of the hall, who keeps the book for that purpose.

795. Is it in the power of the principal warden to refuse receiving such a complaint?—It is against the rules, sir, and there is a very heavy penalty if he did so.

796. How does the prisoner ascertain whether the warden has set down his name or not?—He will know it because he comes up the next day to the governor. I see them every day. I see them at a certain time every day in my own office for the purpose of receiving complaints from the prisoners.

797. When you receive a complaint from a prisoner do you investigate the case and give your reply at once?—If it is a complaint against an officer I tell the prisoner to put it down in writing that I may investigate it fully by leaving the officer up. Then I enter on the case, investigate it, and see if there is any truth in it.

798. You would investigate the case in the presence of the officer?—I should make the prisoner put it in

writing; that is a standing rule. I would give him writing materials to write down all he had got to say, and I would then investigate the case by every means in my power.

799. Do you examine the bystanders?—Yes, sir; and sometimes even I employ a subordinate to see other prisoners who were along, and who would have heard it if there was any truth in it; and I arrive that way at the truth generally.

800. Then you do not take the evidence of the prisoners themselves?—I obtain as a rule from taking prisoners' evidence, but I have done so if I have known the prisoner to be a good man that I could rely on.

801. When a warden lodges a complaint before you against a prisoner what course do you pursue?—I take the evidence in the hearing of the prisoner.

802. Do you in such a case as that examine the bystanders and the sub-officers?—If the prisoner appears to say either officer to bear out his statement I always send for that officer.

803. And if he appeals to a fellow convict, what do you do; do you send for him?—As a rule not, sir; that is objectionable, I think.

804. When you punished Patrick Lennon on the 18th May for combining with others, did you give the same punishment to the others that you gave him?—The same offence and therefore the same punishment, sir. I made no distinction.

805. What are the hours of indoor work for men working in their cells?—They do not work in their cells, sir; their cells are not adapted for that; they only sleep and eat in their cells.

806. But there is a system of indoor work?—There is nothing. They have a large room for that purpose.

807. What are their hours of work?—They are allowed more exercise than the others; those at sedentary occupations, as shoemaking and tailoring.

808. What exercise are they allowed?—They are allowed to walk around the yards 20 minutes before and after labour, I think.

809. Twenty minutes, twice a day?—I think four times a day, sir. However that was the custom before I came. I think it is before and after work.

810. Perhaps you could ascertain that?—Certainly, sir. In the morning, before going to labour, three-quarters of an hour, and half an hour after labour in the afternoon—not four times, but divided into two. To the tailors and shoemakers these are the hours for exercise that they have beyond the other men, on account of their occupation being sedentary. The hours of labour are equal to $7\frac{1}{2}$ hours of actual work.

811. Has any change been made in those hours of recreation in your time?—Yes; I made a slight change on coming here; that is so much taken from their hours of labour. The other men are at labour while those men are at exercise.

812. Do I understand you to say that that is the entire amount of exercise that those men get in the day?—On work days, sir.

813. You say that a change with respect to the hours of exercise has been made since you came here?—Yes; I increased it a little.

814. Can you say what it was before that change?—I think I gave them 5 or 10 minutes more.

815. Had any complaint reached you of this sedentary work being injurious to their health?—No, I have known instances of a prisoner saying he wanted to get out of the shoemaker's shop. I have always referred to the doctor, and if he would not recommend it I have not needed to the request, because of course we cannot have men choose their labour. I want a certain number of boots made, and must have it done.

816. Out-door labour is called full labour?—So is this, sir, full labour.

817. Have you had applications of change from indoor work to agricultural labour?—Yes, and from agricultural labour to the indoor work.

818. Has the medical officer pointed out to you any cases in which he thought that the indoor labour

Major Ritchie

10 June 1879.

Major Hickey.

10 June 1876.

deteriorated the health of the prisoners?—Not to me, sir.

819. Can you tell us the position in life and salaries of a warder? what class does he generally come from?—I can tell you the salaries of the different grades, and I should say as a rule most of them have been non-commissioned officers. I must also say that they are selected men. They are never taken into the service without having very strong testimonials as to character.

820. Are they appointed on the recommendation of the governor?—Well, not always, sir. They are required by the directors to appear before the governor that he may see their fitness by appearance, but their testimonials and everything else go to Parliament Street.

821. Can you state their salaries?—Assistant-warder, 51*l.* a year; warder, 54*l.*; principal warder, 68*l.*, besides their rations and lodging.

822. Who makes the appointment?—The Home Secretary, sir.

823. Have you the power of dismissal as governor?—No.

824. Who dismisses?—The directors recommended to the Home Secretary.

825. In the case of an officer misconducting himself you would report it to the directors?—Yes, and they would take steps to have him dismissed.

826. (Chairman.) Have you the power of suspension?—Yes, sir.

827. (Mr. De Vere.) For what period can you suspend?—Any length of time; I can suspend until I get authority from higher power to release him.

828. (Dr. Lynam.) Would his pay be stopped during that time?—His pay would be stopped.

829. (Dr. Greenhow.) Have the men who are at work outside any time for exercise within the walls?—No, sir.

830. You said that the prisoners working in the tailors' and shoemakers' shops had an hour and a quarter beyond the other men for exercise. Have the other men no time for exercise?—No, sir; but they have plenty of exercise going to and from their labour.

831. Then I understand that three quarters of an hour in the morning and half an hour in the afternoon is the time that the men at indoor work have for exercise?—That is right, sir.

832. You stated that you have increased the time by some minutes in the day?—Yes, sir.

833. Is there any record of that?—No, sir; I did it on my own authority. I thought that there was a regular amount of exercise required, but that they did not get exactly what they were allowed. The prisoners thought they were allowed an hour and a quarter. I thought they did not get so much on account of time being lost in falling in on parade, and therefore I gave an extra five or 10 minutes, which admitted of their having the full amount.

834. Then in point of fact you did not increase the time except by taking care that they got the full amount?—Exactly, sir. One of the prisoners told me that they did not get the full amount, and I took means of rectifying it.

The witness withdrew.

P. Lenson.

PATRICK LENNON, prisoner, examined.

835. (Chairman.) It is my duty to tell you the first instance, although you are probably aware of the fact already, that the gentlemen sitting around this table are a body of Commissioners appointed by the Government to inquire as to whether there has been on the part of these persons convicted for treason-felony any fair or just ground of complaint, and we are here to receive from you any statement, which you will make with full freedom. I believe that you have had an opportunity of using pen and paper to put down any statement you desire to make; is that so?—Yes, sir.

835. You told us, I think, that Lennon is in the probation class?—Yes.

836. How long does he remain in that class?—Until he has earned a certain number of marks to make up those he has forfeited.

837. And he has not made them up yet?—He has not.

838. With regard to petitioning the Secretary of State, how is it made known to the prisoner that he can do so once a year?—I really could not tell you. I suppose they hear it from each other.

839. How do you know that they have that privilege?—Simply from my experience in Portland.

840. Is there any record of their having that privilege?—Not that I have ever seen.

841. Is there any standing order which gives them that privilege?—I think there is something in that book sufficient to show that such a privilege exists, because reference is made to it that they shall write the petition themselves.

842. (Dr. Lynam.) But what we want to ascertain is how the prisoners become aware of the fact that they may petition the Secretary of State?—I do not think there is anything in the rules regarding it.

843. (Dr. Greenhow.) I see here a book entitled on the back "Interview with prisoners' book." Do you enter in this book a record of every interview that you have with the prisoners who come before you; every case in which there is an application made to you?—Yes.

844. I see in one place a remark in which you said simply "declined?"—That is, the prisoner declines and changes his mind.

845. Could you favour us with a return of all the entries in this book that have reference to Patrick Lennon, the dates on which he applied to you, the reason why he applied to you, and your decision in each case?—Yes, sir; they are all marked there.

846. Have you the old books of this prison?—Yes, sir.

847. Could you favour us with the like information with regard to Mulcahy?—I have them all ready for you.

848. (Chairman.) You spoke of the amount of time allowed for exercise to a certain class of indoor labourers, namely, the shoemakers and the tailors. There are other persons employed indoors; for instance, the stone cutters, and I dare say some other branches also. What amount of exercise are they allowed?—They do not come under the head of the sedentary men, because they walk about and stand on their feet all day.

849. Then there is no special time for exercise for them?—No, sir.

850. Nor for any class except the tailors and shoemakers?—No, sir.

851. Do you make any men in this prison?—No; one man makes a peculiar kind of rug from scraps of cloth.

852. (Mr. De Vere.) When Lennon asked you for a change of employment, did he specify the employment that he wished to be transferred to?—No, sir. On one occasion I find that he asked to be removed out in the works; on the other occasions he asked for the sake of change, I think, more than anything else.

853. We hope that you have had full leisure and time to do so. It is my duty further to tell you that you are at perfect freedom to tell anything to us, that whatever you state here, will not in any way whatsoever prejudice your position in reference to the future. You have full freedom to make any statement you please to us as regards your treatment since you have been convicted. You will confine yourself to what has been your position and treatment since the period of your conviction. (The prisoner handed in the following document, which was read by the Secretary.)

* Reg. 8,677. Patrick Lennon.

* Sir. * Is Millbank I was started into disease of the right lung. When I was getting bad I complained to the doctor several times but would not listen to me or give me a spittoon. A principal officer the name of Cooper told me to put my name down for the Medical officer. I did so & was ordered a spittoon 3 days after I got medicine. When I was inspected by Doctor Grover he found my right lung was bad he changed my food the same day reduced my task & took me of the pump. When I came here I was put to hard labour, stone breaking & irons. I was told by the officer in charge of the gang—Mr Holmes—to wheel a Barrow of gravel that 2 men was trying to move. I told him it was too heavy for me my right lung was bad he then spoke to me in a manner that a man would not speak to a dog I then told him I would not do it the next morning I was put in the cells the doctor came and asked me if there was anything the matter with me I told him my lungs was bad he examined me without any instruments & told me it was nothing after I came out of the cells I complained to him again told him my right side was very sore he told me that was nothing new. I then seen the medical officer he would not listen to me I went to the Governor he told me he would speak to the doctor soon after I was by the doctor reported for insolence which was a lie I have complained several times since about my health & the work both to the governor, doctor & medical officer but the would not do anything for me last winter there was a discharge of bloody, corrupted matter from my head. I complained to the doctor for several days. He would not listen to me. I then went to hospital myself was asked what was the matter with me I said my head was bad I wanted an admittance I got one the next morning I got a dose of opening medicine I got low diet for 3 days & no more medicine a chilblain will not be cured here I was laid with them last winter and the winter before I got treatment to rub to them, but I might as well rub them with water the doctor here could not cure them or any thing else unless a hile. I was admitted into hospital with one & received good treatment for 6 weeks I was removed from the work twice to work that was every bit as bad as what I am at, the first time I was left 2 days from it the second time 2 weeks I complained to the present governor about the work I told him it was too hard for any man that was getting murthered as I was he told me to see the doctor I told him I did & he would not remove me he told me he would speak to the doctor for me the next day I was reported & treated to have my food stopped if I did not work harder I am compelled to take of my jacket in cold weather if I complain I am told to work hard & warm myself between it & the food it is killing me Sometimes I am not able to stir with my right side, & across the kidneys does be so sore my nerves is very bad & hollows my left lung is bad now I feel a soreness in the left side these last six months I am about 2 stone less now than when I was convicted my proper weight without clothes is 136 pounds. I received pretty good treatment from Doctor Grover in Millbank he was a christian doctor if I had remained there my health would have been restored now I am bad for the remainder of my life I am not the only one here that has been destroyed I will not be allowed to tell my friends the state of my health or what was done to restore me I am also compelled to walk with a chief if I am walking with a man that is here on a charge similar to my own we will be separated & compelled to listen to all sort of crime & filthy language I was had enough before I came here but I have heard crimes here that it would be impossible for me to hear outside instead of this being a Reformatory it is a college for the instruction of crime I am also compelled to hear in winter with men that have every disease as a general rule the officers are civil, but I am spoke to by some of them like a dog Mr Standley or Stanley is one of them there ought to be

humanity enough to care or kill if it was a dog that was going into consumption there ought to be christianity enough to cure him.

* I remain your humble servant
* PATRICK LENNON.

855. Now, Lennon, those allegations shall be carefully inquired into. I have to ask you in the first instance whether you wish to add anything to this statement?—In case the proof is required, the only way I have to prove these things is by pointing out the other men that is had and got no treatment to prove that I am bad myself.

856. You have no objection to be examined?—No, sir, I would like to be examined and told what is the matter with me. My right side I said was sore, but he said it was nothing.

857. Are you now employed in stone cutting?—I am stone cutting, sir, working on hard granite.

858. Do you sit in doing so?—Standing all the day.

859. Under cover?—We are under cover, sir.

860. What number of hours a day do you work?—I think from seven in the morning to twenty-five minutes to six in the evening.

861. But there is an interval for dinner?—An hour and a quarter for dinner.

862. You come away at half-past 11 o'clock?—A quarter to 12 we leave off.

863. And at what hour do you begin again?—At one o'clock, sir.

864. And how long then do you work?—To twenty-five minutes to six, sir.

865. You begin at seven in the morning?—Yes, sir.

866. That is in summer?—In summer.

867. When did you come here?—I came here, sir, the last week after Christmas; last Christmas twelve months.

868. The 30th December, 1868.—Yes, sir.

869. You say that you were told by the officer in charge of the gang—Mr. Holmes—to wheel a barrow of gravel that two men were trying to move?—There are six marked boxes, seven marked boxes, and eight marked boxes; this was an eight marked box. I was only after coming in here at the time. Two men, one at the handles and one at the end, were trying to pull it out, and could not. It frightened me to look at it. He told me to do it. Several were going round the shed trying to do it but couldn't. He told me to do it. I told him my lungs were bad, and I couldn't.

870. Did he tell you to move it alone?—Not alone, sir, but with another man.

871. What did he say to you?—He spoke in a most contemptuous manner.

872. Can you tell us the words?—I can't exactly say the words now, but he said something about when an officer spoke to me. I can't exactly say the words now. Some of the men that were in the gang were there at the time.

873. And you then told him that you would not do it?—I did, sir.

874. Next morning you say you were put into the cell?—I was reported, sir, and I got two days bread and water, and accused of using threatening language in the cells and got three days more.

875. When was that?—I was here only one or two days at the time. I don't exactly know the date of it.

876. Are you quite sure that it was within a day or two of your coming here?—I was only here a couple of days, because my hands were blistered after the work that I was at first. You can easily tell by the reports. The first report was very soon after I came here.

877. Did you make any complaints as anybody except to Mr. Holmes on that occasion?—No sir; I never made a complaint of it.

878. Did anybody speak to you between the time of

P. Lennon.
14 June 1869.

P. Leman.
10 June 1870.

your complaining to Mr. Holmes and your being put in the cell?—No, sir.

879. The doctor came to you the same day that you were put in?—Yes, he comes round every morning, sir.

880. You told him that your lungs were bad you say?—Yes, sir.

881. You say that he examined you without a stethoscope?—He put his handkerchief to my breast.

882. (Dr. Greenham.) Did he open your coat?—He opened my coat and pulled up my shirt.

883. (Chairman.) After you came out of the cell, you say that you complained to him again?—I did, sir. I have been complaining ever since.

884. How long was that before you went into hospital?—I only went into the hospital last summer; that was the first time I went into the hospital.

885. Then there were perhaps six months elapsed before you went into hospital?—I was more than six months here at the time.

886. When did the discharge from your head come?—Last fall; I was spitting blood at the time.

887. Do you mean to say that you were spitting blood from the mouth?—Yes, sir, I was.

888. What do you mean by a discharge from the head?—Nearly everything used to come out from my handkerchief and used to stick in my throat, and I used to have spots also.

889. You also allege, as it appears in fact from other sources, that you had haem frequently?—Yes, sir.

890. And that you have been treated for them?—I got good treatment for them, sir.

891. You have had them several times I believe?—I had, sir.

892. You say that on one occasion you were reported and threatened to have your food stopped if you did not work harder, were you then at stone cutting?—That is only a couple of months ago, sir. The stone-shed was very cold. My blood is so weak, I do be full of chills. We were told to take off our jackets. The day was very cold. I didn't take it off when the officer told me twice, so he called on the principal. The principal ordered them to take them off; so the two did and I didn't take it off before. I took off mine then and I was reported the next morning.

893. Did anybody else refuse to take off their coats?—Two more did.

894. Who gave the order when you obeyed?—The principal officer, sir. The principal officer reported me. It was the other man that told me a couple of times to do it. I didn't deny it when I was brought up. The food is better now than ever it was, since this present governor came.

895. (Dr. Lyons.) In what respect is it better?—We used to get soup twice a week, thickened with gruel; now it is thickened with meat.

896. (Chairman.) When did it begin to improve?—Since this present governor came here. And the potatoes we used to get at dinner used to be bad; now we don't get any bad ones. They used to be rotten. The food is better looked after now than ever it was before.

897. You say that you are compelled to walk with a chain and to hear every kind of filthy language. Are you always associated with the same person?—Yes, sir.

898. You are not fastened?—We walk two by two.

899. Is a man allowed to speak while working?—That is the rules. That is the only time they can speak.

900. How far have you to walk?—We walk around the exercise ground, around the ring.

901. And then you can speak?—Yes, sir.

902. You say that the officers, generally, are civil?—Yes, as a general rule they are.

903. You name Mr. Stanley, who you say is not so?—Yes, sir.

904. (Mr. Bradrick.) In what class are you at present?—In the probation class, sir.

905. How comes it that you are still in the probation class?—I have been reported so often, sir. I would have been out of it only for not taking off my jacket. I am put back now. It is 17 months since I wrote a letter.

906. Seventeen months since you wrote a letter?—Yes, sir; I only wrote one.

907. You only wrote one letter to your friends?—Yes, sir.

908. How are you so long without writing a letter?—He tells me "You must be six months in the next class before you can write; no matter how long you are in the probation class, you are not allowed."

909. Have you not received a letter during that time?—I received a letter, and I wrote a letter when I came in. When they come first they are allowed to write a letter—never after that; not if they were seven years in that class.

910. What were you reported for the first time?—The first time was about the sand. I got two days on bread and water for that; and then in the office I made use of threatening language, and I got three days on bread and water for that. Then after that I came out and was reported for the doctor, and after he put down my name for the doctor the doctor came round to my cell. Says I, "I didn't put my name down." Says he, "You did." Says I, "I did not." The next morning he didn't come up, but the governor, and it was needless for telling him in an insolent manner. I didn't get my food stopped for that, but I was put in the probation class.

911. (Chairman.) When was that?—The summer before last.

912. (Mr. Bradrick.) You spoke of using threatening language; what did you really say?—I was sick, and I am sick now. I told him, "I'll do no more work." Says I, "You may as well keep me in 15 years, makes it is to knock one of your brains out."

913. You lost your temper, I suppose?—I did, sir.

914. What was the last time that you were under punishment; was it last month?—Yes, sir; I got two days on bread and water.

915. How was that?—For not taking off my jacket.

916. Have you made complaints yourself to the governor, at any time?—I have made complaints to the governor about my health, and I went to this other governor to know would he allow my friends to purchase medicines for me; so he told me he hadn't the power, but he said he would speak to the doctor about me.

917. When you complain to the governor, what do you do?—We put down our names at night at the head of our board. The warden comes round and asks what we want and we tell him. The governor comes the next morning. You mention your name and number and what you want. When you give your name and number he asks what you want, and you tell him.

918. Does the governor treat you considerably and kindly on all occasions?—They do always, sir; especially this man; he is a very gentlemanly man.

919. Does he give a hearing to what you have to say?—He do, sir.

920. And have you any reason to complain of the way in which either the last governor or this governor has met your complaints?—No, sir; I have no reason to complain of them. I suppose they couldn't do any more. The other governor removed me from the works, not the doctor. It was the chief warden, I believe, that moved me back again, and then I complained to this present doctor; so he took down my name and told me, "I'll see about it." So next morning I was moved again. Then I was left a fortnight away from stone breaking and stone cutting. I am put back again.

921. Is stone breaking lighter work than stone cutting?—They say him it is lighter work, but I

don't believe it. It is easier to pick out stones with a point and a sharp chisel, than to smash them with a flat hammer.

922. Have you ever asked for any change of employment?—I was asking for it this last 12 months.

923. It was at your own request, I believe, that you were put to stone breaking?—No, sir. I asked to be removed from the work.

924. You asked to be removed from Dartmoor altogether?—I did, sir, at one time.

925. What was it that you asked for?—I asked to be removed from the work; I didn't mention any particular work, only from stone cutting.

926. And you were put at stone breaking?—Yes, sir; to relieve the swinging of the hammer with the right side had with me.

927. You say that you also wished to be removed from this prison?—I did, sir.

928. When was that?—I think about last March 12 months, or April. I asked the governor. He asked me what was the matter with me and I told him I felt bad in my side. In Portland I believe the prisoners have easier work. They have softer stone to work at.

929. Was that why you asked to be removed?—That was the reason, and another thing, they are together. He told me he would do what he could. That evening I was sent for by the medical officer, Dr. Ashman, and he inspected me. He came to me again and asked me what was the matter with me and I told him. He said, "weren't you always bad," and I said, "not until I got bad in this prison."

930. Do you think that most men would like to be removed from here to Portland?—I do so, sir; but I don't know since the present governor came. They all speak well of the present governor. Chambers came from Portland.

931. When was he convicted?—He is about four years in prison, sir. He was tried by court martial in Dublin, as a Fenian. He was sent from Portland to Millbank besides six of them, and he refused to do some work there, and he left Millbank and came down here, and he applied to get back again, but he couldn't through.

932. When you say he was tried as a Fenian, do you mean to say that he was convicted of treason-felony?—He was convicted of treason-felony, sir.

933. As a Fenian?—As a Fenian; that is what he told me, sir.

934. Was he a soldier?—The time he was arrested; he was arrested with 25 more men in a public-house in Dublin. I was in America in the army at the time. He was arrested with other parties; John Devoy and more, and got 15 years. He was tried for treason-felony.

935. Was he tried by court martial?—This man was tried by court martial and they were tried by the civil power.

936. Have you made a complaint to the director?—No, sir.

937. You never came before a director at all?—No, sir.

938. Have you ever asked for leave to petition the Home Secretary?—I did, sir.

939. When was that?—I wrote one last month 12 months, and it was to be removed or put into separate confinement or something that way; so I got an answer that they didn't see any reasonable grounds for it.

940. (Chairsman.) From whom did that answer come?—From the Secretary of State, sir, some months ago.

941. (Mr. Brodick.) Did they allow you to petition?—Yes, sir; but I applied several times since for a petition.

942. When did your answer come?—A few months after. I don't recollect the date.

943. Was it several months after?—It was a couple of months, I believe.

944. What was the answer that was sent?—The

answer was that they didn't see any reasonable grounds for it.

945. What considerations did you put forward?—I stated that I was made work with a thief, and the only thing to talk to about his own subject; and another thing about three officers throttling me.

946. Was that so?—It was so, but it was my own fault. I didn't complain about it. I had a bit of a nose and I wouldn't give it up.

947. You had a note?—I was writing it. The principal thing I wanted was to get away. I got the answer back that they didn't see any reasonable grounds. I was asking several times to petition, but wouldn't get leave till 12 months more, but last month I got leave.

948. How did you get the reply from the Home Secretary?—It was brought by the governor.

949. And he handed it to you?—No, he read it to me.

950. Then you never saw it?—I never saw it.

951. You do not know, I suppose, whether it was written or printed?—No. It was at the governor's office. There is an iron railing between us.

952. You wanted permission to petition the Home Secretary since?—I did, sir; I asked for an inquiry into my treatment in the same petition. I wanted to petition about my health to get freedom to do it, and I would not be allowed until I had 12 months from the other petition.

953. Was that what the governor told you?—Yes, 12 months I was told. Last Monday I was told I could. There is a story going on about an inspector coming this month and I was waiting to see him before I would send it.

954. Then you have not sent that petition?—Not this present one.

955. Did you ever put your name down to see a director?—I went once and asked him to see a director; that was about going away. He asked me what it was for and I told him, and then he said "The doctor is the man to see about it," and that he would settle it with the doctor.

956. Then you did not insist on seeing a director?—No, sir.

957. (Dr. Greenhow.) Were you in hospital at the time the director came to the prison?—I am not sure now. Yes, I think I had my name down once for the director. I was in the hospital too when he came round. I was in the hospital for five weeks.

958. (Mr. Brodick.) You say that the doctor treated you well for the boils?—He did, sir.

959. But that he would not treat you for anything else?—He gave me no treatment for anything else. I complained to the other when I was up there about losing weight.

960. How did you know that you had lost weight?—Every man was passing remarks on me, and my own feelings, and sometimes the officer of the gang would ask me what do I be trembling about.

961. Have you found your clothing warm enough?—Not in the winter, sir; I do be very cold.

962. Is it the same clothing you have in winter as in summer?—Yes, sir.

963. And is the clothing the same for those who work outside and those who work inside?—It is the same sir, summer and winter.

964. Do you mean a flannel shirt in summer and winter?—Yes, sir.

965. (Dr. Lyons.) Do you find the bed clothing warm enough?—I do, sir.

966. Is that an hospital shirt you have on now?—They are all the same.

967. (Chairsman.) Do you wear drawers under the trousers?—Yes, sir.

968. (Dr. Lyons.) Have you drawers on now?—Yes, sir.

969. Flannel drawers?—Yes, sir.

970. Do you wear them all the year round?—Yes, sir.

971. Are the stockings worsted?—They are, sir.

P. Lynam,
—
16 June 1878.

972. (Mr. Brodriek.) How have you been treated by the wardens generally?—They are very civil, sir, except one or two. That man I mentioned, Stanley, a countryman of my own, he was only in the shed a few minutes. He spoke to me like a dog. We got no exercise in my gang good or bad, and the other gang gets exercise. It follows, at dinner time we used to be allowed, as at the present time, to say a word, so he told me "Silence, sir," says he. "Won't I be allowed to have a word?" says I. So then he comes to me in the most contemptuous manner.

973. (Dr. Lynam.) What did he say to—He said "Do you know who you are speaking to, sir?" in the most contemptuous tone he could.

974. (Mr. Brodriek.) In what way did he say so?—He has a rough manner. He has the same habit of speaking to the other prisoners too.

975. Do you still wish to be removed?—I do, sir.

976. Where should you like to be removed to?—I don't care. I wouldn't like picking oakum; 'tis no work at all; but I can't sleep down.

977. Would you like to be removed to Wexing?—I would, sir.

978. (Dr. Lynam.) Had you good health before you came here?—No, sir; I got bad in Millbank.

979. Before you became a prisoner had you good health?—I had always good health, thank God.

980. What age are you?—Twenty-nine years, sir, the 17th last March.

981. Do you come of a healthy family?—Yes, sir, all healthy.

982. Where were you born?—In Dublin.

983. What was your father?—He was a weaver, I believe, by trade. I hardly recollect him because he went to America in '48.

984. What occupation were you brought up at?—A cork cutter, sir.

985. What have you been after that?—I have been soldiering this last ten years.

986. In what army?—In the English army and in the American army.

987. When were you in the American army?—During the war.

988. When were you in the English army?—Before that.

989. How long were you in Ireland before you were arrested?—About 12 months. I left New York on the 8th December '66 and landed in Dublin on the 6th January the following year '67, and then I was arrested in the March after that. I have been convicted then. I was in Dublin all the time except once or twice that I left it a month or so. I came to London twice.

990. What occupation were you at in Dublin?—Well, I was a Fencible at the time.

991. Were you not earning money at any trade or occupation?—No, sir.

992. Do you say that you generally enjoyed good health in America and Ireland?—I never was sick, sir, except what I brought on by my conduct. But in America I had fever. There were so many dead bodies lying about, it brought fever on a lot of us. That is all. The doctor had "typhoid malarial" down for it.

993. How did you know your weight?—I was weighed in Washington in the patent office.

994. (Chairman.) In what year?—In the year I left America.

995. (Dr. Lynam.) Why were you weighed?—We used all go in there to look at the patients, and there were scales there, and we used to weigh one another in the scales.

996. (Chairman.) Were you obliged to weigh?—No, sir.

997. (Dr. Lynam.) Have you any recollection of what your weight then was?—Yes, sir, I have, 156 pounds.

998. When were you weighed last?—I was weighed up in the hospital, and here in the prison. I was weighed with my clothes on.

999. (Chairman.) Were you weighed with your

clothes on in America too?—No, sir, not when you go for a soldier.

1000. But when you were weighed with others, when you went in to look at the patients, you had your clothes on of course?—No, sir, we used to take them off. We had only light summer clothing, for it was very hot.

1001. You do not mean to say that you had no clothes on whatever?—No, the weather was warm and we took off the clothes.

1002. (Dr. Lynam.) Were you weighed naked?—We sometimes weighed naked.

1003. When you speak of 156 pounds, was that your weight naked?—My weight naked, sir, without any covering of any kind.

1004. Did you lose appetite since you came into prison?—Mr. Cooper the principal, in Millbank, told me I was gone to a shadow. When the spitting came on, I would get a spittum. I was told to spit in my cell, but the chief warden told me not spit in my pot.

1005. What did you say to the doctor that he would not listen to you?—I complained about the spitting.

1006. You went to the doctor and complained to him of spitting?—Yes, sir.

1007. Had you a cough at the time?—Never had a cough; not one now.

1008. You went to the doctor and consulted him for the spitting?—Yes, sir.

1009. Did he examine you?—No, sir. He asked me had I a cold, and I said "No."

1010—11.—Where was that?—In Millbank, sir.

1012.—Did he examine your chest?—No, sir, I asked him before I was a fortnight under Dr. Gover, "Would you sound my chest?" So he said "You don't want it." So a fortnight after when I was inspected by Dr. Gover, he changed my food, and I heard him then say my right side was bad.

1013. You heard Dr. Gover say that your right side was bad?—Yes, sir.

1014. What sort of stuff were you spitting up?—What I generally spit, it is more like starch; in the morning generally, one thickish lump.

1015. Did you spit a great deal in the day?—I should when I am working. I told the doctor that I thought it came from my head, and he said it was nonsense.

1016. Did the doctor not examine you at any time?—He never examined me.

1017. How often did you go to him?—After I was getting the medicines there about eight months. First I used to go twice a week, and afterwards about once every 12 days. That was in Millbank.

1018. And during that time, you state that you were not examined at all?—No, sir, except by Dr. Gover.

1019. Was your pulse examined?—No, sir.

1020. Was your tongue looked at?—No, sir.

1021. Was your chest inspected?—I was never examined at all, sir. Once when I put down my name, he came to my cell, and I told him I was told by the chief warden to ask him for a spittum. He asked, "Have you got a cough?" I said "No." He walked away.

1022. During that time you were getting medicine?—That was before I got medicine.

1023. When you were ordered medicines, were you examined?—No, sir. I brought the spittum to him, and he looked at it and gave me the medicine. That was the doctor that would not give me the medicine before.

1024. Was the medicine that you got pills or a bottle?—No, sir; I believe it was quinine. That was the only thing that ever did me good. I was taking it about three weeks and then it was changed to cod-liver oil. I was getting that all the time I was in Millbank until I came here.

1025. Were you able to take it without its sickening you?—Yes, sir.

1026. Did it interfere with your appetite?—No, sir.

P. Lazenby.
10 June 1870.

1027. You did not object to take it?—No, sir.
1028. When you came here what kind of labour were you put to?—Stone breaking. It is called hard labour here, but I don't think it hard.

1029. Have you to break a certain quantity in the day?—You have, sir; you must break it down to us also, and you must keep two men going that are breaking it finer. There are measures that they were measured with every night.

1030. What you had at that time to do was to break stones sufficient for two men to break smaller?—Yes, sir; it is the same now.

1031. If you did not do that amount of work what would happen to you?—I don't know, sir. The prisoners work very hard because they are afraid of their food. Any on full diet, their food to be changed to invalid diet.

1032. Did you not state in this paper which you have headed in that you were put on hard labour, stone breaking and invalid diet?—I was, sir, when I came here first.

1033. Do you state that you were on invalid diet when you were stone breaking?—I was, sir.

1034. You are positive of that?—I am, sir.

1035. How long did that occur?—I don't exactly know, sir; I think about a month. I applied to get any other work and I would get better food if I had the same of doing hard labour. The doctor asked me "Is it the food you want?" and I told him it was. So I was put then on the bage for a few hours, and at dinner time I was taken out and put in the shed.

1036. Then you worked in the bog only a short time?—Only from 9 o'clock till dinner time.

1037. In one day?—In one day.

1038. Have you been at stone cutting since?—At stone cutting since.

1039. What work are you occupied at now?—Stone cutting, sir.

1040. Do you mean stone dressing?—We have to make all these buildings with stones.

1041. What tools do you use?—Points and chisels and hammers.

1042. Is there much dust consequent in the work?—There is a good deal of dust flying about.

1043. Does it get into your mouth?—It does, sir.

1044. Does it cause you to spit?—I believe it is the cause of my spitting.

1045. Does it get into your eyes?—It does, sir; and we always keep pins to pick them out.

1046. That is you apply to others to pick it out of your eyes?—Yes, sir; that is allowed. We were served out with wire spectacles, but I could not see to work with them and would be going wrong.

1047. Could you if you like wear wire glass spectacles at the work?—Yes, sir; but you could not work with them.

1048. Is there any protection for the mouth at any time?—No, sir.

1049. You never saw any such thing?—Never, sir.

1050. Are you aware that other men complain of the effect of the dust?—Yes, sir.

1051. How does it affect you?—The only way is that of a Sunday I feel very little, but when I am working I am spitting. There is another man, that Chambers, he is getting the same way. There is another man that was removed out of it.

1052. Is there any measure of the amount of work that you are obliged to do?—Not since I went back to it; I am not measured now in quantity, at least if I am I don't do it. I make those chimney stones; but the other men, I believe, have a certain quantity to do. If they don't do 12 square feet they will be bullied and bullied, 12 square feet is the task, but I believe they do 16 or 18; if they don't they would get a belly-rugging.

1053. From whom?—From the warden in the cell.

1054. What does he say to them?—Threatening them.

1055. With what does he threaten them?—With putting them on invalid diet and having their food stopped.

1056. How often have you been on invalid diet since you came here?—Only since I came in first. I was never changed from full diet since I was on to it.

1057. How often have you been on punishment diet?—Five days when I was first here; three days about the bit of a note; two days another time, and two days the other day for having a bit of blacked in my self.

1058. What punishment did you get for the blacked?—One day's bread and water.

1059. Were you ever put into the dark cell?—No, sir.

1060. How many days since you came to this prison have you been on bread-and-water diet?—11 days.

1061. And how many days together at one time have you been kept on bread and water?—Two days, and then invalid diet, and then three days.

1062. You were once for three days on bread-and-water diet?—I was twice for three days, and the first time five days; but I had a day's invalid diet between the first two and the last three. They can't keep you more than three days together on it, and the fourth day you must get another diet.

1063. You state that you are compelled to bathe in water with diseased men?—So I am, sir.

1064. What do you mean?—We are all bound to go together, and we all get into the one bath, and one water supplies the whole bath; it is all communicated underneath.

1065. Is there not more than one bath?—There is a partition between us, but the partition don't come down to the ground.

1066. How do you know that these men were diseased?—Only by what they tell me themselves what was the matter with them. I saw a man in the hospital pulling sores off his breast, and I had to wash in the same basin with him.

1067. In the same basin with him?—Yes. I had to wash it when I seen him.

1068. That is a different thing from the statement that you had to bathe with them. What diseases did you see that you object to?—I never seen them.

1069. How do you know that they are diseased?—From what they tell me.

1070. Can you state positively that on any one occasion you bathed in the same bath with men who had any form of disease amongst them?—Well, 36 goes into the one bath.

1071. But do you know as a matter of fact that you bathed with men who were diseased?—They all have something the matter with them here. I don't know was there any sores.

1072. You stated that you bathed in the same water with diseased men?—They are diseased, because there is nobody here but has something the matter with them. There is no man in the prison except what comes down to the shoemakers, latterly, but they have something the matter with them.

1073. Is there anything the matter with their skin that would soil the water?—I don't know, sir.

1074. You object to bathe in the water because they are diseased?—I do, sir.

1075. I want to know how you know that they are diseased?—They tell me so themselves.

1076. Did they tell you that in the bath?—They tell me in the cells. There is but a little sheet iron between the cells. I have been in a dozen cells since I was here. Some of them commits auilance in the bath.

1077. Would not that be reported?—But when it couldn't be found out who done it, it couldn't be reported.

1078. Has that occurred often, to your knowledge?—It has occurred twice to my knowledge.

1079. Do you mean making water?—Not making water.

1080. Do you mean relieving their bowels in the bath?—Yes, sir.

1081. Has that occurred in the bath in which you were?—The one water supplies the whole lot.

P. Leman.
10 June 1873.

1062. But on the same occasion that you were in the bath has that occurred?—Yes, on the same occasion that I was in it.

1063. Have you observed any man with disease of the skin bathing in the water?—I can't see a man when he is bathing.

1064. Then you do not know that there were diseased men in the bath in which you bathed?—No, sir, but what they tell me.

1065. But you do know, as a matter of certainty, that they have committed substances of both kinds in the bath?—I don't know about that, either. I know about relieving their towels.

1066. You say that you got and sent away only one letter since you came here?—Yes, sir.

1067. Are you quite positive of that?—That is all, sir.

1068. Did you write any letter that was stopped?—When I came here I wrote a letter, and it was stopped because I stated in it that the doctor in Millbank said I was in consumption, and it was here said that there was nothing the matter with me, and I said Mackay and another had left Millbank; so that was stopped, and I had to write another instead of it.

1069. You positively received only one letter?—I received an answer to that, and that is the only letter I received.

1070. How has it occurred that you were only allowed to write one letter?—Because I was reported so often.

1071. Does that occur to others also?—There are men here, I believe, that never wrote. There is a man here in the shed and I don't believe he wrote these five years—a man of the name of Mission.

1072. Did you get three days' notice that this Commission was to come here?—On Monday morning the governor called me. He was going to look me in the cells; so, on account of my own wish, he left me out. This other way I was in for the day.

1073. But did you get three days' notice?—I did, sir, on Monday morning, at 7 o'clock.

1074. Did you get pens, ink, and paper, so enable you to write your statement?—I did, sir.

1075. Were you examined by a Commission at any former occasion?—No, sir.

1076. Did any of the officers ever attempt to strike you with a staff?—No, sir; because I would return it.

1077. But you are not aware that they ever did?—No, sir.

1078. Did you ever see any of them strike others?—I have seen them poking with the staff, so the chest.

1079. Is there anything that you wish to add to that letter that you have handed in?—There is another man here; I would like him to be examined.

1080. But, with regard to yourself, is there anything that you wish to add to this statement?—No, sir.

1081. Is there any further statement that you wish to make?—The only statement I wish to make is, I would like to get medical treatment. That is the only thing I want.

1082. What kind of medical treatment do you look for?—Proper medicines and proper work.

1083. What do you suppose is the matter with yourself?—I believe my lungs is bad; I believe now my left lung is bad.

1084. When you say a "bad," what do you apprehend?—That I am going into consumption; that if I am not now I will be.

1085. And do you think that if your illness were differently treated, that you could recover?—Yes, sir; I don't know about now; but I could when I came down here.

1086. Tell me the name of the doctor that you say would not examine you?—The doctor in Millbank; I don't know his name.

1087. What other doctor?—I don't know his name; he was a tall man; he was the only doctor there with Dr. Gover.

1088. You mentioned some other doctor also?—This present doctor here.

1089. What do you say about him?—He gave me no treatment. He never gave me treatment when I complained to him. I did annoy him some time lately.

1090. How did you annoy him?—Putting my name down every day. Sometimes he would give me a dose of Epsom salts. I got camphor and oil one time, and it done me good; so I kept asking him for it, and he gave it to me some time.

1091. You asked him for camphor and oil?—Yes, sir. I had got a few doses, and when he would come round I would say, "Camphor and oil, please;" and he would order it. But this last few weeks he asked me, "Aren't you better yet?" and I told him I was not, so he gave me cod-liver oil, a tea-spoonful of it every day at dinner time; so it was doing me no good, and I gave it up.

1092. Is there any kind of assistance that you think would enable you to put forward any complaint you have to make in a better way than you have done now?—I don't really care about making any complaint; I don't want to complain against anyone. The only thing I wish, is to be restored to health if possible.

1093. Would you wish to consult with any friends of yours with regard to putting your case forward in a better way than it is put here?—I have no friends to do it.

1094. (Mr. De Vere.) Were you examined by the medical officer before you left Millbank?—Yes, sir.

1095. How long before you left Millbank were you examined by the medical officers?—About six weeks; I was sounder then and that was the first time I was sounder.

1096. Did he state anything about your health then?—He didn't say anything. After I got the medicines I used to go for it, and I didn't complain; so when he sounded me for inspection, he asked me how I felt, and he sounded me, and I heard him tell the apothecary "His right lung is bad," so I was entitled to a visit then. I had a visit then from my aunt, so I told my aunt if she could get a gentleman in London, named Simpson, to come and know what was the matter with me, so he done, and she told me one day that the governor stated I showed symptoms of consumption.

1097. Did the doctor at Millbank examine you with an instrument; did he put an instrument to your chest?—Yes, sir, he put on a stethoscope.

1098. Did you complain to him of your right side?—No, sir, I only complained to him once, when I asked him for the stethoscope.

1099. You came from that place here?—I did, sir. The day he examined me he asked me did I get enough to eat, and I told him I did not, so the next morning I was on hospital diet. He asked me too was the work too heavy for me. I used to be cramped in the cell, so afterwards I wasn't able to do the quantity of work, and the task was reduced and I was ordered off to come here.

1100. And then you came to Dartmoor?—Yes, sir.

1101. When you came here were you put on invalid diet at once?—Yes, sir.

1102. Do you know why you were put on invalid diet?—As a general rule, I believe all prisoners are put on it that is not put out on the bags.

1103. Were you ever put into a dark cell?—No, sir.

1104. How is your clothing here as compared with the clothing in Millbank?—It is nearly the same, sir; the only difference is that we get boots here and didn't there.

1105. I see that you wear flannel drawers and a flannel shirt?—Yes, sir; the clothing would be too heavy to work in in summer and too cold in winter.

1106. Is the use of flannel at Millbank the same as it is here?—Yes, sir, the very same.

1107. Were you allowed the flannels in consequence of any particular application, or is it the usual dress of the prison?—It is the usual dress, sir; every man in the prison gets it.

P. LAMAR.
10 June 1870.

1128. You never made any special application for clothing in consequence of the state of your health?—No, sir; as we get a change of flannels every fortnight.

1129. What sort of place do you work in?—A shed; there is one side of it open.

1130. Do you know the north, south, east, and west?—Yes, sir.

1131. What point of the compass does it open to?—It is partly western; the western side is open.

1132. Is it open at the two ends?—No, sir; it is open at the side, on the north-west. It is the north-west side that is open.

1133. How many were working in the same shed with you?—I daresay there are 12 or 14 more, sir.

1134. You complain of being associated with a thief?—Yes, sir.

1135. How are you more associated with him than with anybody else in the same shed?—At exercise when Chambers and I would get together to have a chat we need to be separated, and I would be put with a known thief and he would be put to another. And the same way if we got alongside a man named Keating, that got five years, we would be separated also.

1136. Then your time of association is only the time of exercise?—The time of exercise, that is the only time we talk.

1137. At the time of exercise do you go two-and-two together?—Yes, sir, two-and-two together.

1138. You are allowed to converse together at that time?—We are allowed to converse together.

1139. You keep up some kind of conversation also through the partitions in the cells?—Sometimes they do; sometimes the man in the next cell will talk to you if you are inclined to talk to him. As a general rule they do be all talking to one another.

1140. Is there a thief in the next cell to you?—There is a thief on each side of me.

1141. Is the man who walks with you on the exercise ground the same man that is placed in the next cell to yours?—Sometimes we won't be separated.

1142. Are you always associated at your period of exercise with the same man?—Not always. They generally have companions. A good deal of them have used to know one another outside. Sometimes if you are walking with one, the man behind knew him, and they might be talking about some robbery, or something that way.

1143. Then your exercise companion is changed from time to time?—Yes, changed.

1144. Is he changed every time? have you to walk three or four times in succession with the same man, or have you a different companion each time?—That depends on how you fall in. You may have the same man, or a different man every Sunday.

1145. When you speak of being associated with a thief, it appears that there is an association with nobody at working time, and the association of which you complain is which takes place at exercise time?—Yes, sir.

1146. Do you mean to say that you are always associated at exercise time with some person that you call a thief?—I am always with a thief at exercise. I have never been with anything else, or else with a man that is here for some unnatural crime.

1147. Is your companion in exercise selected or chosen for you by any of the officers of the prison, or does he fall in by chance?—Now he does; but he used to be chosen for me when I would fall in with a man like Chambers or that. Then there would be a companion picked out for me.

1148. That is, when you fell in with a man that they did not wish you to be associated with they removed him and put another in his place?—Yes.

1149. But supposing that you had not associated with Chambers or any man that you selected, then would they leave it to chance, or would they select one for you?—They would leave it to chance then.

1150. You have never worked in the fields outside?—Only for a few hours.

1151. Can you tell what the prisoners working in the fields do, whenever it comes on to rain?—When I was out there there were sheltering on the ground, and when it rained we used all run under them, and the warden used to get behind us and we used to take it up and get behind it, and generally keep the side towards the wind.

1152. On one occasion you petitioned the Secretary of State. How did you know that you had the power to do that?—I was told it by Chambers.

1153. Were you ever told it by any officer of the prison?—Never.

1154. Have you ever had any difficulty in seeing the doctor when you wanted to see him?—Never.

1155. Are you a Roman Catholic?—I am, sir.

1156. Have you ever had any difficulty in seeing a priest?—No.

1157. Have you ever expressed a wish to see him?—We can see him any time we like. All we have to do is to put our ticket in the box, and we see him that night. He used to come round once a week.

1158. (Dr. Greenish.) You told one of the gentlemen that you were compelled to take off your jacket in cold weather?—So I am.

1159. What season of the year was that?—I was compelled to take it off in March last.

1160. You were reported once?—I was reported last month, and it was cold enough here then, colder than in March last.

1161. In May you were reported?—Yes, sir.

1162. You spoke about bathing in water used by other men who had diseases. Is it one large bath in which 30 men bathe at the same time?—It runs along the wall; there is like horse-boxes, and one man gets into each box, and the partitions don't go down to the ground.

1163. Then it is a bath in which there are a number of men bathing at the same time?—Yes, sir.

1164. How often have you written to your friends since you came here?—The first time I came here.

1165. You came here in December 1868, about 18 months ago; have you never written since?—I wrote about a fortnight after I came here and I have never wrote since.

1166. Did you apply for permission to write since?—I did, sir.

1167. And it has not been allowed?—It has not been allowed.

1168. Have you received any letters since you came here?—I received an answer to that letter.

1169. Why have you been prevented from writing since then?—On account of being reported. I was told that if I was here for seven years I may not be allowed.

1170. What were you reported for?—For using threatening language and insolence to the doctor, for not giving up that bit of a note, for a bit of bad being found in my cell, and the other day for not taking off my jacket.

1171. What was the insolence to the doctor for which you were reported?—In the morning if you want to see the doctor you put on the handle of your broom, and the officer takes down the names. So when my name was put down and I didn't put out the handle of my broom, so he came to me at dinner time and I told him I did not put down my name. He told me "You did." I said, "I didn't." So he ordered me to be reported for "contradiction." That is what I heard the man say; but it was different the next morning; it was "insolence" the next morning.

1172. You have found no fault with the food here on any occasion?—Well, the food isn't enough for me anyhow.

1173. Have you any fault to find with the quality of the food?—Not now.

1174. But had you at any time?—I never complained, because I didn't believe it to be any use to complain.

1175. You never complained of the bread?—I don't know good cheese from bad.

P. Lyons.
10 June 1870.

1176. Do you say that you have a split like scar in the morning?—I do, sir.

1177. Do you cough with it?—No, sir; it does heave it, the cough like loosens it, and then it does heave in my throat, may be for an hour, before I can get it out.

1178. Have you suffered from cough since you were in prison?—No, sir.

1179. Have you suffered from shortness of breath?—I couldn't draw my breath, sir.

1180. Why could you not draw your breath?—It used to catch me here in the side (*points to the right side of the chest*), and now sometimes it catches me here (*points to the left side of the chest*).

1181. What was the catch like?—Like if there was something tearing something like, sir. I felt here just as if I was shot right through the lung.

1182. Have you ever been examined by the doctor here in reference to your chest?—Oh yes, sir, I have; I asked him to sound me, and wasn't my lung bad, and I couldn't tell whether he told me or not.

1183. When was that?—That was the first time I was in hospital here. I was in the hospital two days.

1184. That was in August 1869; had you a cough then?—No, sir.

1185. Had you much of that spitting then?—I spit then more than I do now, sir.

1186. Then the doctor examined your chest?—He did, sir.

1187. He has not examined it since?—No, sir.

1188. (*Mr. De Vere.*) Did you ever complain to the medical officer of having to barge with these men?—No, sir, I complained in the position to the Secretary of State about it; 'twas no use.

1189. (*Dr. Greenock.*) Are you at all short of breath?—Only when my ribs do heave, sir.

1190. Are you kept in a cell on the ground floor, or upstairs?—The ground floor, sir.

1191. But you have been upstairs, I suppose?—Yes, sir.

1192. Did you ever feel your breath short when you were going upstairs to the cell?—No, sir.

1193. You never suffered from shortness of breath?—No, sir.

1194. (*Chairman.*) Can you tell me the date of the refusal to take off your jacket?—I can't tell the date, sir; the officer can give more information about that than I can, for he called him in to take charge of the gang; it was only for a few minutes. He has never been in the gang since.

1195. Can you tell me the date when Mr. Holmes obliged you to drag a barrow that was too heavy for you?—I can't tell; but the report will tell.

1196. It was, soon after you came here?—It was, sir.

1197. (*Mr. Bradrick.*) When you were reported for insubordination to the doctor, were you brought before the governor?—I was brought before the chief warder, and he read the charge, and he asked me, "Is that the way you speak?" So I told him it was as well as I could speak. So then says he, "Well, we must teach you," and he put me into a cell. So at dinner time I was brought before the governor and the charge was different then instead of being what it was read out in the morning; it was read out "My name is not down, and I know it is not down." I told the governor that I didn't give insolence; I denied the charge of insolence. That is the only time I denied anything. The officer said I spoke in a very disorderly manner. I didn't get any bread and water that day, but I got reduced to the probation class.

1198. Do I understand that you were put into a punishment cell?—When you are reported here and when you are brought before the chief warder, he can let you off or send you before the governor, and if he sends you before the governor he puts you in the cells.

1199. Is that cell different from those that you live in?—They are a great deal better than those we live in.

1200. You are kept there until the governor sees you?—Yes, sir.

1201. Were you ever punished by bread and water

without having an opportunity of making some statement to any one?—Never.

1202. How long were you at Millbank?—About ten months.

1203. Were you in separate confinement all that time?—All the time.

1204. Was your treatment the last month that you were there just the same as during all the other nine months?—I was on different food. I had also work to do. I was at one of the pumps, and I used to get motion every day.

1205. But you were not in association during the last month?—I was in the cell by myself.

1206. You had no chance of talking to another man during the last month?—You couldn't talk to a man in Millbank, there is a thick stone wall between you.

1207. Have you been treated like other convicts here, or differently?—The only difference I see is the separation—that I would be separated from Chambers.

1208. (*Dr. Lyons.*) Have you ever had to carry slabs of stone on your back?—No, sir; we wheel them in barrows or trucks.

1209. Did you ever see it done?—I did, sir; but he did it voluntarily himself.

1210. No man was ever directed to carry slabs on his back?—No, sir, he was not; in my gang at least.

1211. You never were told to carry slabs on your back?—Never, sir.

1212. Have you worked in any of the gangs with a yoke around your shoulders?—No, sir. All last summer, when I was at work at stone cutting with that Chambers, there was this distinction, that they could go out and pick another stone, and they had the chance of picking the best stone, and it was the chief warder's orders that we were not to be left out of the stone shed, but somebody else was to bring in a stone for us.

1213. Were you ever yoked to one of these carts?—No, sir; I wouldn't be allowed to go out of the prison.

1214. Have you ever been sent to clean the privy?—I was, sir; and I was reported because I refused to wash the privy in the bucket I wash myself in.

1215. What privy do you speak of?—The privy for 40 men on the landing. The warder told me to wash it. I had no objection to wash it if I had a bucket. He told me to get the bucket that was in my cell. "Is it the bucket that I wash myself in?" said I. "Yes," said he. "I won't do that," said I. So he reported me to chief warder Henshaw, and I was brought before the governor, and the governor asked me would I wash it if I got another bucket, and I said I would, and then he let me off.

1216. Did you wash the privy afterwards?—I have often done it since.

1217. You were always supplied with a separate bucket for the purpose?—There is a hydrant in the privy, so there is no occasion for a bucket.

1218. Are you positive in stating that the warder directed you to take your own bucket?—He did, sir; and that was the grounds of my refusing to do it.

1219. You say that there has been a change in some of the diet recently?—Yes, sir; a great change.

1220. In what respect?—The soap some time ago was nothing but grease, which now it isn't, and it used to be thin, but now it is thick as can be, and it is thickened with meat.

1221. Was there no meat in it formerly?—Very little.

1222. Is that pudding used here?—It is, and it is better now than it was.

1223. Did you ever observe the meat to be rancid?—No, I was too hungry to notice such things.

1224. Have you heard it complained of by others?—I did, and I heard them complaining of the cheese too.

1225. Have you heard others complaining of the meat pudding being rancid?—I did, sir.

1226. But you have not yourself observed at any time that the meat pudding was rancid?—No, sir.

1227. Have you ever remarked that the soap had a bad smell?—No, sir.

1228. Or that the beef had an unpleasant odour of any kind?—In the hospital I did, sir.

1229. What did you observe about it?—It had a very bad smell and a bad taste. The men used to show it to the doctor.

1230. What kind of smell had it?—It was turned.

1231. Are you positive of that?—I am so, quite positive.

1232. When did that occur?—It occurred several times when I was in the hospital in this prison. I can name the men, too, that complained of it. I never complained of it, because I always ate it.

1233. Others did not eat it?—There was one man that didn't eat it one day, but I ate it for him though.

1234. You ate his portion as well as your own?—I did, sir.

1235. Although it had a bad smell?—I did.

1236. Why did you do that?—Because I was hungry.

1237. You were in hospital at the time?—I was, sir.

1238. And you ate the meat that had a bad smell?—I did, sir.

1239. The bad smell was not very much, was it?—The meat was turned; if it got a ball with charcoal it would take it away.

1240. What meat was it?—It was mutton, sir.

1241. And you never observed the meat to be rancid to your knowledge?—No, sir.

1242. Or that any of the food contained anything unpleasant, or that ought not to belong to it?—I got cockroaches in the peddling trough.

1243. Are you quite sure that you did at any time get cockroaches in the peddling?—Yes, sir; and I brought one to the stone shed with me and showed it to the warden and to all the prisoners.

1244. Could you not have complained at the time?—I could, but I never did.

1245. Did you ever complain of your diet?—Never.

1246. Did you ever try to have your diet weighed?—It is a thing I wouldn't like to do. I don't like to find fault, but I have seen men do it.

1247. When you were these days on bread and water, did you suffer much from hunger?—I did, and I always came out very sore in the chest too.

1248. Did you suffer much the first day?—I suffered from cold and hunger, and I wasn't allowed out of bed for the first two days; that was in January.

1249. Did you feel very hungry the first day?—I did, sir.

1250. Did you feel more hungry or less hungry the second day?—Not so hungry.

1251. How did you feel on the third day?—The way it affects me—the first day, in the evening I feel very hungry. I generally try to sleep as much as I can, to sleep the hunger away.

1252. Have you as much water to drink as you like?—As much water as I like. Always when I come out of the cells, my appetite do be closed.

1253. The first day you felt hungry?—Yes, and the second day. When I would feel hungry, I would walk about while the night comes of bread would last; then I would try to sleep it over.

1254. On the whole did you feel much hunger the second day?—Yes, sir; my stomach closed then.

1255. On the third day what way did you feel?—I used to feel of course weak, but I could do with less food.

1256. You felt less sensation of hunger than you did on the first or second day?—Yes, sir.

1257. What were your principal sensations when you came out?—It was as much as I could do to take my dinner.

1258. Was that from a dislike to the food, or from want of appetite?—From want of appetite, sir.

1259. You would not have an appetite for your dinner?—I could eat it, but it was as much as I could do. We always came out at dinner time.

(The prisoner was removed).

1260. And instead of being very hungry, you have a certain amount of difficulty in eating your dinner?—I would feel as much as I could do in eating it; and another thing, I would feel sore in the side.

1261. Were you able to sleep while you were in the cell on bread and water?—A sort of half sleep and half awake. The doctor comes round one time, the priest another time, and the governor another time, and you must keep yourself bent up all the time. I used to keep myself warm by opening my shirt and breathing down my breast. You must stand to "attention," with your clothes buttoned when any one comes around the cells; so always about half-past nine or ten, the doctor comes round, then after that the priest, then you don't know what time the governor will come round, generally about dinner time.

1262. Did the period of time appear very long to you?—It did not appear as long as when I was at work, because I would try and sleep as much as I could. The five days did, because I couldn't stand any more.

1263. Does it affect your spirits?—It does, and it weakens me too.

1264. Were you able to do as much work, or only less work after?—I don't feel so strong after.

1265. Were you allowed out of your cell at any time during that three days?—No, you are only allowed to empty your cell pot twice a day now. You are not taken out of it now. A man comes round and empties it into the bucket.

1266. Did the abstinence on bread and water for three days affect your bowels in any way?—Not that I know of, sir.

1267. (Dr. Greenhow.) You refused to clean the privy because the warden asked you to use your own pail?—Yes, sir.

1268. Was it necessary to use a pail at all?—No, sir, it was not.

1269. There is a hydrant to the privy, is there not?—Yes, sir, there is a hydrant and cock, and you could flood the whole privy with water that you could swim in if you wished.

1270. (Chairman.) Are you quite sure that you were told to use a pail?—Yes, sir; that was what I was reported for, when I wouldn't use my own.

1271. (Dr. Greenhow.) Did you ask for a pail?—I asked him, "What pail am I to get?" and says he, "The pail in your cell." Says I, "Is it the one I wash myself in?" "Yes," says he. Says I, "I won't do it."

1272. You were told to clean out the privy, and asked the warden for a pail?—What he told me was to get a bucket and cloth and wash the privy. I said, "What bucket will I get?" Says he, "The one in your cell." Says I, "I won't do that."

1273. (Chairman.) Was the bucket simply to carry water?—You would have a floor cloth, and then you would have to wash up the privy.

1274. (Dr. Greenhow.) If the hydrant flushes it clean you do not need a bucket?—There is a hydrant and as iron affair under it with holes in it, that you could dip a floor cloth in and wash it without a bucket.

1275. Do you use a bucket when you wash the privy?—In No. 2 landing I used to use a bucket.

1276. You were on the top landing then?—I was not, but I was on the bottom landing; but in No. 2 landing there was always a bucket kept there.

1277. (Dr. Lyons.) Can you tell us how much water you drank in the three days that you were on bread and water diet?—I suppose not more than three pints a day.

1278. And you were more thirsty the first day than the second?—I used to be thirsty all the time, but the warden in the cell told me "be better not to drink much water. Says he, "It will only injure you."

1279. You think that you drank on an average only three pints in the day?—I don't think I drank any more, sir.

P. Leveson,

19 June 1876.

T. M. ROUSE.

10 June 1876.

THOMAS MATTHEW ROUSE EXAMINED.

1290. (Chairman.) What are your medical qualifications?—Member of the Royal College of Surgeons, England.

1291. Is that your full legal definition?—Yes.

1292. How long have you been here?—Nearly two years.

1293. Do you know a man named Leeson, who is confined in this prison?—Yes, sir.

1294. Will you state when your attention was first called to him or when he first made any application to you?—The 14th August 1865.

1295. What was his application?—He was complaining of pain in the head, and ordinary catarrh.

1296. Did you examine him medically?—Yes, sir; and admitted him into hospital.

1297. How long did he stay there?—Till the 16th August.

1298. He was several times in and out of the hospital, was he not?—Yes, sir; five times he has been in the hospital.

1299. And have you, on each occasion of his being there, given him that medical care and attention, and administered those medicines that you thought his case required?—Yes, sir.

1300. Has he ever applied to you for any particular medicine, which you have refused to give him?—Not that I am aware of, sir.

1301. Did he not apply to you at one time for camphor and acid?—He has always had whatever I considered proper to give him.

1302. Did you use a stethoscope in examining him?—I have examined him with my ear.

1303. What did you consider his ailment?—I think he has got a tendency to phthisis. He has had no active symptoms of phthisis since he has been under my care.

1304. Has he been, in opposition to my objection by you, employed in any work which he has been unsuited for?—He has always been employed subject to the approval of the medical officer.

1305. And you have had no reason to think that the employment would be injurious to him?—No, sir.

1306. It has been stated that at the stone cutting the dust gets into the mouth of the persons at work, and is likely to be injurious to them?—There is very little dust with the stone here. It is hard granite, and there is little or no dust with it.

1307. It has been stated that at one time spectacles were issued to the men here while at work, to protect them from the dust; has that practice been discontinued?—They have them if they like to apply for them.

1308. They are not served out?—Not as a matter of course. I believe some of them objected to wear them.

1309. (Dr. Ligon.) Are you in the habit, doctor, of examining the convicts here with a stethoscope when they present themselves to you if they complain of their chest?—If they complain of their chest, certainly, sir.

1310. What is your reason for supposing that this man is predisposed to phthisis?—He brought it in his medical history when he was received into this prison.

1311. But has anything in your own observation confirmed you in that opinion?—He has had no active symptoms of phthisis since he has been under my care.

1312. Then your statement is in reference to his medical history?—The medical history that he brought from Millbank.

1313. Have you formed any opinion from your own observation?—I thought at one time he was weak and out of sorts and admitted him into hospital. He was suffering from boils at the time and appeared weak.

1314. Would you not think it your duty to examine carefully, stethoscopically, a man with that history?—He would be examined by the medical officer when he came under his charge.

1315. But when he came under your observation would you not consider it your duty to examine him?—Not unless he complained of his chest.

1316. Although he came with that history?—If he complained of his chest I should have examined him.

1317. How long had you him in the hospital on that occasion?—35 days.

1318. What were his principal symptoms during that time?—More general weakness and boils. There was almost an epidemic of boils at the time. A great number of prisoners suffered from boils; and in fact persons all through the country I believe. He was admitted into hospital on account of a boil behind his ear, and he complained of weakness.

1319. He was at other times also in hospital?—Yes, sir.

1320. Did he make any complaint of his chest at any time?—No, sir.

1321. None at all?—No; I have no note of it at all.

1322. Did he complain to you of spitting a great deal?—No, sir. There is no record of that at all.

1323. He has stated to us that he spits a good deal?—He has never complained to me of it.

1324. Have you no recollection as to whether you examined him stethoscopically or not?—I have no notes of it. If he had complained of his chest I should have examined it.

1325. You have no clear recollection that you examined him at any time with a stethoscope?—I cannot call it to memory, sir.

1326. If he has a phthisical tendency as his medical history states he has, do you think it quite safe for him to be working in a place where there is a certain amount of dust flying about?—I do not think it will hurt him. I do not think it is sufficiently finely divided to affect him at all there. I have visited the stone shed on various occasions.

1327. He said that there is a good deal, and we saw that his boots were very dusty?—The dust would be on the boots, because any dust that would be going would fall on his boots.

1328. If there was much dust do you not think it would be rather a risky thing for a man with a phthisical predisposition to work in it?—It might tend to make him cough, but I do not think there is sufficient to hurt him. I do not think the dust is light enough.

1329. If you had any apprehension that this phthisical tendency might become actually developed, would you recommend his removal to some other place?—Certainly.

1330. And it is within your function to do that?—It is within my function and power.

1331. To recommend him for removal?—For removal, if I consider that this climate disagrees with his constitution.

1332. Could you define the place to which you wished him to be sent, or is that in the option of somebody else?—No, sir. I could define the establishment that I wished him to be removed to.

1333. What places could you send him to?—I could send him to Woking, or to Parkhurst in the Isle of Wight.

1334. Are those the only two places?—Those are the two last places for sending chest cases.

1335. Do you think that this man is losing weight?—He is gaining weight. He lost weight after his reception first.

1336. I see by his medical history that he went down to 135 lbs. weight on one occasion?—Yes, he did, sir.

1337. Was he weighed?—He was weighed, sir.

1338. At what date?—It was at the time of his admission into hospital in September 1869.

1339. What day was he weighed; have you the date?—It would be between the 9th of the 9th month and the 13th of the 10th month. On the 16th of September he was weighed, sir.

1330. On that occasion he went down to 133 lbs. ?—Yes, he had lost 19 lbs. since his reception.
1331. What interval had elapsed then ?—He was received from Millbank, December 30, 1838; he had therefore been of this prison about nine months.
1332. When before he weighed 139 lbs. had he been weighed last ?—He was weighed on reception, and then when he complained of being weak, and he said himself he had lost flesh, he was weighed then. That was on the 16th September.
1333. But had he not been weighed between his admission and that date ?—Not in the interval.
1334. What do you attribute his great loss of weight to ?—I suppose the confinement in prison and the consequent loss of activity.
1335. Had he loss of appetite to your knowledge ?—Not to my knowledge; he did not complain of it.
1336. Was there any irritability about his constitution ?—Not that I was aware of.
1337. Were his pulses quick ?—Not that I am aware of.
1338. Did you examine it ?—Oh, yes.
1339. Did you record it ?—It is not recorded.
1340. Have you any recollection that his pulse was high ?—I think not. If it was I should have noted it in his case paper.
1341. You know that that is a very remarkable loss of weight in that time ?—It is a good deal, sir.
1342. For what time was he in hospital on that occasion ?—35 days, sir.
1343. How soon after that date was he weighed again ?—On the 16th May.
1344. Of this year ?—1870, yes.

JAMES HANCOCK EXAMINED.

1350. (Chairman.) You are a wanderer in this prison ?—Yes, sir.
1351. Have you been present recently to-day, on the occasion when the prisoner Patrick Lennon has been weighed ?—Yes, sir. I weighed him myself, sir.
1352. What does his weight turn out to be ?—140 lbs., sir.
1353. Was he weighed in his clothes ?—In his clothes, without his boots and cap.
1354. As he came in here ?—As he came in, sir.
1355. Are you able to tell us whether on former occasions when he was weighed, he had his boots and cap on ?—His boots and cap were always removed.
1356. And he has been weighed to-day in the same state and the same clothes ?—Yes, sir.

Mr. ROUSE's examination resumed.

1372. (Dr. Lysons.) You observe that he lost two pounds in weight since the last occasion ?—Yes; if he was weighed in the infirmary with his shoes on they would weigh two pounds.
1373. I was asking you whether it was possible that any person suffering from disease of the skin, or otherwise objectionable in person, could bathe in the same bath, which I believe in all the same water, although there are separate compartments, with other persons who had no such disease ?—Not of my own knowledge. When I have seen the prisoners bathing they were bathing each in a separate compartment of the bath.
1374. But the water is all the same, is it not ?—I believe not, sir. I am not aware that it is so.
1375. Do you exercise any supervision over the bath ?—No, sir; not the washing bath.
1376. Are there separate baths in the infirmary ?—I have a bath in the infirmary; yes.
1377. And you supervise its use ?—Yes, it is subject to the care of the principal infirmary warder. He sees that it is properly administered.
1378. As belonging to the infirmary it is subject to your supervision ?—Yes.
1379. Is it consistent with your knowledge that at any time anything objectionable has taken place in the bath ?—Not to my knowledge.

1345. Was he not weighed in the interval ?—No.
1346. Have you any regular period for weighing prisoners ?—No regular period.
1347. How do they come to be weighed; is it a matter of curiosity ?—It is a matter of curiosity, and for our own satisfaction in the medical department.
1348. But there is no regular period ?—No regular period, except on reception and discharge.
1349. Could you account for this sort of epidemic of boils ?—No, sir; you cannot account for them; they were general through the country.
1350. Do you think there was anything in the prison diet that could have caused it ?—No, I think not.
1351. Were the boils numerous on the person ?—No, he had one or two. He might have had two at the time, not more. A boil on admission September 16th, and a boil on another admission 18th October.
1352. Have you any men here suffering from any form of skin disease ?—Yes, sir.
1353. Of what nature ?—Skin disease called chloasma.
1354. A single case ?—No, more than one.
1355. You have more than one ?—Yes.
1356. How many ?—I have two under treatment now.
1357. Have you any other forms of skin disease ?—Not that I am aware of, sir.
1358. Is it possible that any man having any skin disease could be put into a bath in which other persons bathe ?—Not the same bath, sir.
1359. You think it is not possible ?—I do not think so.

1367. (Dr. Lysons.) Do you remember when he was weighed on the 9th September ?—No, sir, I was not present then.
1368. Who weighed him then ?—It must be the principal infirmary warder. He always weighs them on reception.
1369. On reception where ?—From another prison, sir.
1370. (Chairman.) Do you recollect the occasion when you directed Lennon to clean the privy ?—Not me, sir.
1371. Did you at any time direct Lennon to clean a privy ?—No sir. (Witness hands in a memorandum of Lennon's weight and withdrawal.)

1380. Has any complaint of any such thing ever reached you ?—None whatever.
1381. Have you any record anywhere that would enable you to state accurately to-morrow, by looking up your notes, whether you at any time examined this man's chest stethoscopically ?—No, sir; there are the notes I have, and I have no note of it in this paper. If I had examined him stethoscopically it would have been on what we call the "Complaining sick," when we go round in the morning to see men that want to see the medical officer.
1382. (Dr. Greenhow.) Where were you stationed ?—St. George's Hospital, London.
1383. When you examine a patient's chest do you always use a stethoscope ?—Yes, sir.
1384. Always ?—Yes, sir.
1385. I ask that, because I thought you might make an examination without it ?—It is a very rare thing to do. If I do I put my ear to the chest, which is the same thing of course.
1386. When prisoners come here from another prison and bring their medical history, do you examine the prisoner yourself ?—Yes, sir; before I put him to labour.
1387. In doing so do you examine the chest ?—If there is any statement of the chest.
1388. Not otherwise ?—Not otherwise.

T. M. Rouse.
10 June 1870.

J. Hancock.

T. M. Rouse.

T. M. Reese.
10 June 1870.

1383. You said in answer to Dr. Lyons, that the prisoner would be examined by the medical officer who passed him; but you did not pass Lennon into this prison?—No, sir.

1390. Do you find disease of the lungs common amongst the prisoners here?—Yes, sir; very common.

1391. Can you state roughly the proportion that such cases bear to the number of the prisoners?—I cannot tell. There are a very large number.

1392. What form of lung disease is most prevalent?—Tubercular disease.

1393. Have you much pneumonia here?—Very little.

1394. Chronic lung disease is what the prisoners suffer from most?—Yes, sir.

1395. Have you observed that the prisoners who

work at cutting or breaking stones suffer more from it than the others?—No, sir.

1396. You have not observed that?—I have not observed it, sir.

1397. Do you take any regular notes of cases here?—Not daily notes, sir; except patients in hospital.

1398. And then you do take daily notes?—Yes.

1399. And those notes are preserved?—Yes.

1400. Are they taken in books or on paper?—On case papers, printed for the purpose.

1401. The medical histories which have been submitted to us are abstracts of those cases?—Yes, sir.

1402. But the cases contain more details?—Yes, sir.

1403. Would you kindly hand me one of those cases?—This is it, sir. (*Hands in a document.*)

R. McAleen.

HAMILTON McALEEN, principal

1404. (*Dr. Lyons.*) Did you weigh the prisoner, Patrick Lennon?—Yes, sir.

1405. On what occasion?—In September I weighed him. He was then 135 lbs., September 1869; and on May 7th I also weighed him, and he was 142 lbs. That is with his prison slippers on—hospital slippers on.

1406. (*Dr. Greenhow.*) Can you state on what day in September you weighed him?—No; I don't recollect the day, sir.

1407. (*Dr. Lyons.*) When you weighed him in September and his weight was found to be 135 lbs., had he the hospital slippers on?—Yes, sir; on both occasions.

1408. Was he in hospital dress?—In hospital dress.

1409. Is there any difference between the hospital dress and the ordinary prison dress?—The coat is something longer than the jacket.

(*The witness withdrew.*)

T. M. Reese.

Mr. ROBERTS'S examination resumed.

1416. (*Dr. Greenhow.*) You have not noted the state of Lennon's pulse while he was in hospital?—I have not made a note of it.

1417. And you have not noted it because you have not found anything abnormal in it to record?—No.

1418. That is, it is your rule to note positive facts and not negative ones?—Yes, sir.

1419. You do not attribute the prevalence of chronic tubercular disease here to working at granite?—No; I attribute it to their being sent here for the benefit of their health from other prisons.

1420. You think then that the men come here with the seeds of the disorder already in existence?—Yes.

1421. And you do not think that the disease is contracted here?—Certainly not.

1422. And you have never found that cutting granite into blocks for buildings has caused disease of the lungs?—No, sir.

1423. (*Dr. Lyons.*) Could you put in a return against to-morrow of the number of persons who died within the last year of tubercular disease here?—Yes, sir.

1424. Have you made any post mortem examinations of those cases dying of phthisis here?—Yes, sir.

1425. Have you found extensive tubercular disease of the lungs?—Yes, sir; very far advanced.

1426. Have you at any time found traces of dust, like deposits in the bronchial glands or in any portion of the pulmonary apparatus?—No.

1427. Nothing like what is known as lapidary phthisis?—No, not to my knowledge.

1428. (*Dr. Greenhow.*) What appearances have the lungs presented in those cases?—Cases of tubercular disease, sir?

1429. Yes. In those cases were the lungs contracted, or were there cavities in them?—There were cavities containing purulent matter.

1430. Were those cavities in the apices or at the

inferior venter, examined.

1410. Is there any difference in weight?—I never weighed the coat against the jacket. It is just their own clothes they wear there, the ordinary prison clothes, except that the coat is something longer.

1411. Would you weigh now a coat that a patient uses in hospital and one of the ordinary coats, and see what the difference is?—Yes, sir.

1412. (*Chairman.*) Do I understand you to say that the dress worn in hospital is the ordinary prison dress?—It is the ordinary dress, only the hospital coat instead of the ordinary jacket.

1413. (*Dr. Greenhow.*) Was he dressed in the hospital dress when you weighed him in May?—Yes, on both occasions, sir.

1414. Has he been weighed just now in the ordinary clothes?—In the same clothes, sir.

1415. Would you go now and weigh him in the hospital dress?—Yes, sir.

bases of the lungs?—In cases of death they were nearly all over the lungs.

1431. Was the lung tissue between those cavities very much disorganized?—I did not notice that particularly.

1432. Was the lung tissue of a very dark colour?—No, sir; the ordinary colour.

1433. (*Dr. Lyons.*) Are there any persons suffering from the effects of chronic syphilis here?—A few, sir.

1434. There are a few?—Yes, sir.

1435. If those persons go into the bath, would any special precautions be taken to prevent them from bathing in the same "bathing apparatus," I shall call it, for I do not know the exact construction of it yet?—They would go into the usual baths, sir; but none of them have primary syphilis about them.

1436. Have they syphilitic eruptions on the body?—There may be one or two with syphilitic eruptions, but I do not know of any at the present moment.

1437. Would they not be separated from the others in using the bath at the same time?—There would be a partition.

1438. We are informed that though a partition divides the persons of the men, the water is all the same?—I was not aware of that, sir.

1439. We shall examine the baths to ascertain. You appear not to be aware of it?—I am not aware of it.

1440. You have never examined the bath?—Not particularly.

1441. (*Mr. De Vere.*) As a matter of fact do persons with syphilitic eruptions bathe in these baths?—Oh, all persons bathe in those baths.

1442. Is there any prescribed time for persons to bathe or to remain in the bath?—They are not under my superintendence.

1443. (*Dr. Lyons.*) Is it your experience that persons coming here with tubercular tendency are hastened towards a fatal issue by the climate here,

or that the disease is retarded; or do you think that there is any effect whatsoever?—I think in a really genuine case of tubercular disease it is beneficial to them as a rule.

1444. And have those that have died here come in the latter stage of tubercular disease?—They probably have been in the latter stage.

1445. If a patient came here with marked tubercular disease, what would you do with him. Would you have the power to send him elsewhere?—Yes, if I thought the climate did not agree with him. If it was proved that it did not after a time, he would be removed to another station.

1446. Is it any part of your duty to supervise the baths?—No sir; I am not aware that it is.

1447. Or to inspect the food?—I inspect the food at various times. I inspect the food in the kitchen when it is being prepared, and I test the meat at the stores on its reception here from the contractor.

1448. Do you inspect the diets when they are served out?—Not when they are served out.

1449. Are you aware of any complaints made respecting the diet?—No, sir, very rarely; the diets on the whole are very good.

1450. But have no complaints been made?—On one or two occasions they complained about the potatoes, but that was accounted for by one batch being not very good, and they were condemned at once.

1451. (*Dr. Greenhow.*) I see by this book, Mr. Rouse, that on various occasions Patrick Lennon has

complained to the governor with regard to his medical treatment. On the 21st January 1870 he complained that he got no medical treatment; on the 24th February 1870 he complained that he could not do his work. These complaints are referred to the medical officer for his report; I want to know in what form those reports are made?—The medical officer would answer the report in the same book.

1452. But I find no such reports in the book?—That is the medical officer's fault then, and not mine.

1453. Here again I find on the 9th of March 1870: "I have been complaining ever since I came here that the doctors will not physic me, will you?" To which the governor replies, "No, certainly not," and writes it for the medical officer's perusal. Did you see that?—I was not in charge then, sir. I do not think I was in charge then. If I did answer the report it would be on the back.

1454. What I wish to ascertain is, whether or not those reports are made in writing when they are called for in this manner in the governor's book?—The medical officer would either report it on the page against it in the governor's book, or he would write a report.

1455. Would you show me here any of these reports?—That is not the book, sir. I will send for it; it is called the Governor's Medical Reference Book. There are two books, one called "Governor's Application Book," the other called "Governor's Medical Reference Book."

HAMILTON McALEEN recalled.

1456. (*Chairman.*) Have you weighed the prisoner Patrick Lennon in his hospital dress?—Yes, sir.

1457. Are you prepared to hand in a paper stating what his weight is?—Yes, here it is, sir (*hands in a paper*).

1458. Have you weighed a coat against a jacket?—The difference between the jacket and coat and trousers is 2 lbs., sir; it is just exactly as when I weighed him last.

1459. You weighed him just now?—Yes, sir.

The witness withdrew.

Mr. Rouse's examination resumed.

1464. (*Dr. Lyons.*) You made a report on the 15th February, and on the 26th February there is no report. Were you on duty on the 26th as well as the 15th?—I do not remember that, sir. I find on reference that the medical officer was in charge on both dates; it was therefore his duty to answer the reports.

1465. (*Mr. De Vere.*) Mr. Rouse, can you state the annual percentage of those persons on full work whose health breaks down?—I cannot say, sir; there are so few men who are in full health here. They are more or less enfeebled here.

1466. I did not say in full health; I said on full work?—I cannot say; there are no statistics of it.

1467. Can you say the proportion of those who break down on full work is larger amongst the educated men than it is amongst those who have come in from the labouring class?—I cannot say that it does, sir; not to my knowledge. We have no statistics of that sort.

1468. Can you state, from your own observation, whether the full work bears harder on the health of the educated man than on that of the labouring man?—Not that I know of.

1469. (*Chairman.*) Do you produce the governor's medical reference book?—Yes.

1470. That book contains certain entries applicable to the case of Patrick Lennon?—Yes.

1471. The reports contained in that book would be those which would be applicable to cases as cited here, in which reference was made to the medical officer?—Yes, sir.

1472. (*Mr. Bradrick.*) Do prisoners, as a rule, gain or lose in weight?—That is a difficult point to

decide. I really do not know. I should say as a rule they lose; I should say so.

1473. Do you think that if the 800 and odd prisoners now here had been weighed on entrance and were weighed now, that they would be found to have lost rather than gained?—I think they would, sir; it is always done. I really don't know the statistics of it. They are always weighed on reception and discharge. Sometimes they gain and sometimes they lose. It depends, I think, as to whether they have so much punishment; of course they do not gain much weight in punishment.

1474. Do you consider the dietary sufficient to maintain their strength?—I think so; I think it is quite sufficient.

1475. We find in the dietary a certain number of ounces of meat. Is the meat that is given to each man weighed before or after cooking?—It is weighed both before and after cooking.

1476. Do you think it is weighed before cooking, or that the weight given is the weight of the cooked meat?—It is in the standing order, sir (*refers to standing orders*). The weight specified in the quantity actually issued to each prisoner after it is cooked and freed from bone. Each prisoner, therefore, on stated days receives 5oz. of cooked meat exclusive of bone, in addition to bread, vegetables, &c.

1477. Do you know how it is with regard to the ordinary diet?—I will look at it. It is not specially stated here, but it would be if it was done for the infirmary in the new state; it would be done so for the prison diet.

1478. You believe that to be the diet?—I believe that to be the diet.

T. M. Rouse.

10 June 1870.

H. McALEEN.

T. M. Rouse.

T. H. Moore.

10 June 1870.

1479. You spoke of bells having been very prevalent at one time; do you attribute that to anything in the prison diet?—Not at all; they were amongst persons outside and were not confined to the prison.

1480. Are worms prevalent amongst the prisoners?—They are prevalent, but not more than is the case amongst persons of their class generally.

1481. (*Dr. Ligon.*) What worms are they?—Thread worms—*ascaris*.

1482. (*Mr. Brodick.*) You do not attribute it to anything in the prison diet; for instance, the use of oatmeal?—I do not.

1483. Is the clothing of the prisoners the same in summer and in winter?—Yes, I believe it is.

1484. Do you consider it sufficient for the winter?—I think they have the option of wearing a smock in the winter. They do not go out in the smock, I think, in the summer.

1485. Is the smock in addition to the jacket that we saw?—Yes, sir; in addition to the jacket.

1486. What opportunity has a prisoner of seeing you; how does he make application to see you?—He puts his name down in the morning, after the roll is taken.

1487. It would never happen, I suppose, that you saw a prisoner without his having applied to you?—No, sir; unless in case of an accident or anything of that sort, when it would be the duty of the warden in charge to bring him up.

1488. (*Dr. Greenhow.*) Do you not periodically inspect the prisoners?—Oh, we inspect them every month. As we go through we inspect the gangs, for the purpose of drafting the able-bodied men to the public works.

1489. Is there no periodical medical inspection of the prisoners?—Every month there is an inspection of the gangs.

1490. They are inspected in gangs?—Yes.

1491. Where are they inspected?—In the prison.

1492. In what part of the prison?—In what they call the octagon passage.

1493. Is there plenty of light there?—Plenty.

1494. Are they drawn up in a line, or how are they placed?—They are stripped up at a time.

1495. And you examine each prisoner separately?—Yes; this is a monthly inspection; last they are also inspected every week; every man is seen every week.

1496. Every man is seen weekly by the doctor?—By the doctor.

1497. Will you be good enough to describe the manner of making the inspection?—It is a weekly inspection, and it takes place every Sunday morning. When the men are drawn up on parade, before going to the chapel, the medical officer passes down the ranks and sees each person as he passes.

1498. Have you been in the army?—No, sir.

1499. (*Mr. Brodick.*) Are they then stripped?—No, sir; they are ready to be marched off to chapel.

1500. In such a case if you observed a man looking very ill should you question him?—Certainly.

1501. I presume that there is no such thing as a medical inspection of convict prisons—I mean that there is no such thing as a convict prison being visited by an inspector from without?—Not that I am aware of.

1502. Practically, are you absolute with regard to the medical superintendence of the prisoners?—When I am in charge, sir.

1503. (*Dr. Greenhow.*) Did Mr. Perry, the inspector, never come to this prison since you have been here?—I never saw him.

1504. Have you ever had occasion to report Lannon for insouciance to you?—Yes, sir; he spoke very disrespectfully to me on one occasion.

1505. What took place on that occasion?—As far as I can recollect he had his name down to see me, and on his cell door being opened when I visited him he refused to see me, and stated that he had not put his name down to see me. I said that he had put his

name down, and he spoke in a very excited and disrespectful manner contradicting me, and said that he had done nothing of the sort. I reported him, therefore for insouciance.

1506. Have you had to complain of any insouciance from him on any other occasion?—No, not the remotest.

1507. Has he ever shown, to the best of your judgment, any tendency to sham or scheme?—I think not. He has never schemed to me, sir.

1508. (*Mr. De Vere.*) Are you aware what punishment he got for that insouciance?—I am not aware. The governor would have the record.

1509. I believe that the ordinary medical staff of this prison consists of two medical men?—Yes.

1510. You are the assistant?—I am the assistant surgeon.

1511. Are you now exercising all the duties of the head medical man?—Yes, sir.

1512. For how long have you been doing so?—For two months, sir; since the transfer of the medical officer to Woking.

1513. Can you tell me in whom the appointment of the medical officer vests?—With the directors I believe, subject to the approval of the Home Secretary.

1514. Do they appoint on a competitive examination of any kind?—Not that I am aware of, sir.

1515. (*Dr. Greenhow.*) You passed through no examination, I suppose?—I had no examination, sir, but sent in testimonials and certificates as to my qualifications for the appointment.

1516. (*Mr. De Vere.*) Is it not the fact that in cities paved with granite the dust is found to be peculiarly hurtful to the eyes?—I do not think it is any worse than the ordinary dust. Dust is always most irritative to the eyes.

1517. Is not the dust of granite much more finity, and angular, and of a sharper nature than the dust of a softer species of stone?—Well, I do not know what the technical term is; there is a small black sort of metallic speck in it; they would be sharper, but they would not fly so much as they are not so light. Their own weight would not allow them to fly like the ordinary light stone dust.

1518. (*Dr. Ligon.*) Do you mean the mica?—I believe it is mica, a little black variety.

1519. (*Mr. De Vere.*) If it is the fact that the dust of a granite paved city is peculiarly hurtful to the eyes, would that not show that it was peculiarly liable to fly about in the air?—That is because it is submitted to a process of pulverisation, I should say, by the traffic of the city.

1520. Would you say that dust which would be peculiarly irritating to the eye would be also peculiarly injurious to the lungs or to the bronchial tubes?—I do not know that it would be peculiarly so; dust is always irritating to any surface.

1521. But I think you stated some time ago, that from the nature of the stone here, the stone breaking or the stone cutting would not be so injurious to the labourer as if he was employed on a softer stone?—Yes, so I did.

1522. The object of my examination now is to ask you whether there is not in the dust of granite a dust which is peculiarly injurious and irritating to all the internal organs?—Not that I am aware of, sir; not to my knowledge.

1523. (*Dr. Ligon.*) At the time that Lannon was so low in weight, I find the entry in the medical officer's report that he was looking so very ill that he did not undertake to pronounce on his fitness until a further examination should have been made. May I ask, were you the medical officer who made the report at that time?—No, sir, I was not.

1524. Had you any charge of him about that period at all?—I should say I had if he put his name down in what we call the "usual sick list." I should see him in his cell, and if I thought him not able to do his work I should admit him to hospital as I should any man.

V. M. Brown.
18 June 1870.

1525. Was he, as a matter of fact, in hospital at the time?—He was, sir.

1526. Was it your duty to examine him medically, stethoscopically or otherwise, at the time that he is reported to have been looking sick, and if so, what was his ailment?—No, sir; I do not know that it was.

1527. Then it must have been Dr. Ashken?—I presume so. If he complained of his chest and his name was down in the casual sick list, I should have examined his chest undoubtedly, if he complained of it; and if he had any acute or active symptoms he would have been sent into hospital immediately.

1528. But with a man looking very sick as he is reported to have been, and having lost weight so very much, do you not think it would have been necessary to examine him stethoscopically?—I think probably he was. There is no note of it. He probably was examined at that time in his chest. He probably was examined by his chest.

1529. Then you would refer us to Dr. Ashken for a report of his actual state at the time?—I think so, sir; if that was the time he was admitted into hospital it will be on this paper.

1530. Was this medicine entered September 9th, ordered by you?—It was ordered by me subject to the medical officer's approval.

1531. It was ordered by you on September 9th?—Yes, sir.

1532. And you report here, "There is a boil behind the ear; seems very weak." What did you order for him on that day?—Lanced poultice to the part affected; on the 9th lanced poultice. With regard to the boil, on the 10th the boil was punctured; on the 11th there was a little discharge; water dressing instead of poultices; and the 11th also cod-liver oil twice a day.

1533. Why did you order the cod-liver oil?—Because he was weak. He complained of weakness at the time.

1534. I find that you ordered cod-liver oil on that date. What led you to prescribe cod-liver oil for him?—On account of his debility.

1535. Had you any suspicion that there was a tendency to develop the tuberculous diathesis which existed in his constitution?—That statement was in the medical history when he was received.

1536. But at the particular time when you ordered cod-liver oil for him, had you any suspicion in your mind that there was a tendency to scrofula, in the latest tuberculous referred to in his medical history?—No; I had no notion of that at the time or I should have noted it.

1537. Reporting him there as looking very weak, and finding by having him weighed that his weight

The witness withdrew.

The Chairman here left, and the chair was taken by the Hon. Mr. Brodriek.

JOHN BROWN HOLMES examined.

J. B. Holmes.

1545. (Mr. Brodriek.) Are you a warden of this prison?—Warder now, sir.

1546. Do you know the prisoner Patrick Lennon?—Perfectly well, sir.

1547. Do you remember his being one of a party under your charge at the beginning of last year?—I do, sir.

1548. Do you remember ordering him to wheel a barrow of gravel?—I do, sir.

1549. What sort of a barrow was it?—Why it was not exactly a wheelbarrow, sir, but it was a barrow which was made for the purpose of a box to go on the top of this barrow. He was employed in the stone-breaking shed, where they break the stone very small, and they are measured every afternoon. This was a small box which fits on this barrow; and him of course being about the oldest man between 80 I had, I called him to wheel this barrow.

1550. Was that barrow heavier than usual?—No, sir, it was not. The stone barrow has been there for a long time; in fact it has been there before I came

had reduced very considerably, did you consider it necessary to examine him stethoscopically?—I have no record of it, but I have no doubt I did.

1543. You think you did?—I think I did, sir.

1539. Is it your habit to record on this paper every instance in which you examine a patient with the stethoscope?—No, sir.

1540. What else was ordered for him at that period besides cod-liver oil?—Merely full ordinary diet.

1541. Is it in your province to order wine if it be required by the state a patient is in?—If required, yes.

1542. Was any wine ordered for him?—None.

1543. You did not think it required?—No.

1544. (Dr. Greenwood.) When you found a man losing weight you would naturally conclude that he had some serious disease, would you not?—Some men will lose weight without organic disease. You cannot state as a fact because a man loses weight that he has got some organic disease.

1545. But when you found that a man had lost 19 lbs. of his weight in less than a year, would you not infer that there was some disease going on?—Well, I do not know that I should.

1546. Would you not look for kidney disease or some other cause to account for the waste going on?—Not unless he complained of any local cause.

1547. In the case of a man having boils as Lennon had, and who had lost weight to the extent that he had, would you not have suspected some disease, such as diabetes, would you not have examined the urine?—Not unless he complained of his water.

1548. Then unless a man complained of his water or of his chest, you would not be disposed to examine his water or his chest?—I would not, sir.

1549. (Dr. Lyons.) For what length of time was he continued on cod-liver oil?—During his stay in hospital, that was 35 days.

1550. Did he get no other medicines of any kind?—Merely opening medicine, and he had a liniment that we give for chilblains.

1551. (Dr. Greenwood.) What is the composition of that liniment?—I order soap liniment of the Pharmacopoeia, together with tincture of opium and iodide of potassium.

1552. (Dr. Lyons.) Are chilblains very common here?—Yes, very common in the winter.

1553. Have you any objection to put those papers in?—No sir, none whatever. I can give a copy of them.

1554. Will you be kind enough to hand in a certified copy of this paper (the "case paper" of Patrick Lennon)?—Yes, sir.

The witness withdrew.

The Chairman here left, and the chair was taken by the Hon. Mr. Brodriek.

JOHN BROWN HOLMES examined.

J. B. Holmes.

1545. (Mr. Brodriek.) Are you a warden of this prison?—Warder now, sir.

1546. Do you know the prisoner Patrick Lennon?—Perfectly well, sir.

1547. Do you remember his being one of a party under your charge at the beginning of last year?—I do, sir.

1548. Do you remember ordering him to wheel a barrow of gravel?—I do, sir.

1549. What sort of a barrow was it?—Why it was not exactly a wheelbarrow, sir, but it was a barrow which was made for the purpose of a box to go on the top of this barrow. He was employed in the stone-breaking shed, where they break the stone very small, and they are measured every afternoon. This was a small box which fits on this barrow; and him of course being about the oldest man between 80 I had, I called him to wheel this barrow.

1550. Was that barrow heavier than usual?—No, sir, it was not. The stone barrow has been there for a long time; in fact it has been there before I came

to the prison, and I have been there going on four years.

1551. Did it take two men or one man to lift it?—One man wheels it always, sir.

1552. Then it was a wheelbarrow with two handles?—Yes, sir.

1553. And was it what a man might fairly wheel?—Yes, sir.

1554. What passed on that occasion. Did he refuse to wheel it, or what took place?—He refused to wheel it when I ordered him, sir. He said "No."

1555. And what did you then do?—I reported him, sir.

1556. When he refused to wheel it, did he give any reason for refusing?—Why he complained something about that he wasn't able; but of course I knowed nothing respecting that, sir. I took him just by his general appearance.

1557. What reply did you make when he refused?—I ordered him of course to obey any order by wheeling this barrow; he distinctly refused to do it.

J. B. Holmes.

10 June 1870.

1568. Did he do it?—No, sir; he didn't obey my order.

1569. And upon that what further happened?—I reported him for it, sir. That was all that passed.

1570. But did you make use of any language to him?—No, sir; no language to my knowledge, only just complying my duties, by ordering him to wheel this barrow which he refused.

1571. Did you use any threat to him?—No, sir.

1572. Or any abusive language?—No, sir. I spoke to him in a respectful manner and ordered him to do his work.

1573. Did you not lose your temper when he refused?—I did not, sir.

1574. (Dr. Greenhow.) Had you asked any man to move the barrow before you asked Leeson to do it?—No, sir.

1575. Two men had not previously tried and been unable to move it?—No, sir.

1576. And when Leeson refused did some other prisoner move it?—No, sir.

1577. Did you tell some one else to move it?—I did, sir.

1578. And that other person did move it?—Yes, sir.

1579. (Dr. Lyons.) Why did you select Leeson and ask him to move the barrow?—Because he looked the most ablest and strongest man of the party I had there, sir. I must give you to understand sir that this is an invalid party which I had there, cripples, some lost the use of three fingers, some lost the use of their arms, and some is crippled in their legs. This man being the stoutest and most ablest amongst the lot, of course I asked him to do this.

1580. (Mr. Brodick.) Would you have any difficulty in moving it yourself had it been your duty to do so?—Certainly not, sir; it wasn't so heavy.

1581. (Dr. Lyons.) Then you had no reason to select him, but that you thought him the strongest?—Certainly not, sir.

1582. How many men had you at the time?—About 25 or 30.

1583. How many of these were weak or crippled?—I suppose I had 20 out of that number cripples, that is men of course paralyzed and lame, and the use of the fingers gone, and such like.

1584. And then of the remaining number you thought Leeson was the strongest?—Just so, sir; and that was the reason I asked him to do it.

1585. And you had no other reason for selecting him?—No, sir; I had not.

1586. Were you present all the time that the barrow was being filled?—I was, sir.

1587. Did you see two men trying to move it?—No, sir.

1588. Did two men try to move the barrow?—No, sir.

1589. Do you say that they did?—No, sir.

1590. Are you in a position to state positively that it could not have happened that two men tried to move the barrow?—I didn't see two men move the barrow, sir, because I have a full view of every man where I stood in the shed.

1591. (Mr. Brodick.) And was Leeson to the best of your recollection the first man that you asked to move the barrow?—He was the first man I asked, sir.

1592. (Dr. Lyons.) Will you undertake to say positively that no two men on that occasion tried to move the barrow?—Yes, sir.

1593. You can state that positively?—I can state that positively, sir.

1594. You were there all the time, from the time that the barrow was commenced to be filled to the beginning until you ordered him to move it?—Yes, sir.

1595. And you say positively that no two men were ordered to try to move the barrow?—No, sir.

1596. If he stated that two men tried to move the barrow, is the statement untrue in your opinion?—False, sir.

1597. Do you think that no such thing could have occurred on that occasion at all?—I am positive sure, sir, for I was there all the time.

1598. You are sure that no such thing occurred at all?—No such thing, for I don't permit one to leave the shed without my permission.

1599. Could you have been absent for a moment?—No, sir; I was not.

1600. But might you have been absent?—No, sir.

1601. Suppose that one of those men wanted to retire for a purpose of nature, should you have to accompany him?—No, sir; because I have the place just close to me at the top of the shed.

1602. While you were watching the man that retired to that place for a purpose of nature would the barrow be within your view?—It would, sir.

1603. Then would it have been impossible for two men to have attempted to move the barrow while you were occupied looking after another prisoner?—Quite impossible, sir, for I don't leave the shed.

1604. Would you by any possibility have turned your back?—It was not, sir.

1605. And it could not have been turned?—It could not, sir.

1606. Then do you deny absolutely again that the barrow was attempted to be moved by two men?—It was not, sir, tried to be moved by two men.

1607. You reported him for it?—I reported him for it, sir.

1608. And he was punished?—He was punished.

1609. Did he bring any charge against you for using any rough language to him before the gang?—No, sir; not to my knowledge, exactly.

1610. What do you mean by "not to your knowledge, exactly"?—Not to the best of my opinion, sir.

1611. Were you ever brought to account for having used improper or rough language to a convict on that occasion?—No, sir.

1612. (Dr. Lyons.) Will you tell me what you said to him when he refused to wheel the barrow; what order did you give him with regard to the barrow?—I ordered him to wheel this barrow, which he refused to do so.

1613. He refused to do so?—Yes.

1614. What did you say to him then?—I said no other, sir.

1615. When he refused once, did you say no more?—No, sir.

1616. Did you not order him a second time to do it?—No, sir.

1617. Did you not represent to him that he had to obey your orders?—When he refused and complained that he was unable, I said, "Why don't you try? Why, then, if you are," says I, "I must judge that you are unable, but," says I, "don't disobey the order which is given," so he said, "I will not."

1618. Did you order him a second time to do it?—No, sir.

1619. Is it ever your habit to order a prisoner, and if he does not do a thing in the first instance, to order him a second time?—Sometimes I do, sir.

1620. Did you do so on that occasion?—No, sir; I ordered him the first time.

1621. What further did you say to him?—No further, sir.

1622. Did you speak to him in a loud tone?—I spoke to him, sir, so that he would be able to hear; just the same as I am speaking now.

1623. Did you raise your voice then more than at other times, or to other prisoners?—No, sir.

1624. Did you speak to him in any sense or manner that could be represented as one man speaking to another as no man would speak to a dog?—No, sir.

1625. You did not?—No, sir.

1626. Was there any altercation between you then?—No, sir.

1627. Did this scene in reference to the barrow last for any moments that you can remember?—It might last for about two or three seconds.

1628. Not more than two or three seconds?—Not more than two or three seconds.

1638. Was what took place sufficient to attract the attention of those that were at work about?—Of course there was that sufficient, when I ordered him to do it and he refused.

1639. Do you remember who the other prisoners that were present were?—No, sir, I can't exactly; in fact three parts of those who were working there are away.

1640. But some of those who were there are here now?—Well, there may be a few, sir.

1641. Can you remember any of them; do you remember any of those who were standing near?—I cannot, sir. It occurred somewhere about 17 or 18 months ago, about the beginning of last year.

1642. Could you say who you think were there?—(No answer.)

1643. Could you name any one man who was there?—I can't exactly say, because there is men keeps coming and going from that place daily almost.

1644. But such an incident as that does not occur often. I presume that it does not occur often that a prisoner would dispute an order such as you gave.

The witness withdrew.

PATRICK STANLEY examined.

1644. (*Mr. Brodriek*.) Are you an Irishman?—Yes, sir.

1645. Are you a warder in this prison?—Yes, sir.

1646. Have you ever had Patrick Lenson under your charge?—Yes, sir.

1647. Is he usually under your charge?—No, sir. This happened, sir, I should say, as nearly as I can judge, about 18 months ago or two years. I was called on to take charge of the prisoners about 18 months ago or 12 months. I was called on for one hour to take charge of 53 gang, and the prisoner belonged to this gang.

1648. Where were they working?—In the stone shed, sir, and I had occasion to speak to him for his talking, sir. I checked him for talking. The other officer was away and I was the assistant officer at the time. When I came on to take charge he commenced to speak and I turned round and checked him in a commanding way, but civil.

1649. Did he speak to you or to one of the prisoners?—To one of the prisoners, sir. He didn't speak to me but to another prisoner, and I checked him.

1650. In speaking to another prisoner against the rules?—It is prohibited, sir, unless in the line of the work, but any conversation or idle talking is strictly prohibited, sir.

1651. What passed between you when you required him "in a commanding tone of voice" as you say, to stop talking?—I cautioned the man first, sir, before I reported him. When I checked him, he desisted. If he persisted in it I should certainly do my duty.

1652. But you did not report him?—No, sir.

1653. Can you recollect what it was that you said to him?—Well, as far as I can judge, sir, I said nothing, but I told him to leave off talking and to mind his work. This is the mainstay; I spoke as I always speak and as I would generally do, sir, when such a case happens.

1654. Did he give you any answer?—No, sir.

1655. Did you make use of any abusive language?—No, sir; I checked the prisoner for talking, which it was my duty to do, nothing more. He desisted when I spoke to him. I told him he was talking. He said something, but I didn't catch the words, and he desisted and spoke no more. Therefore I didn't report him to the governor.

1656. Was that all that passed?—That was all, sir, that passed between me and him.

1657. He has never been under your charge since?—No, sir; not before. That is the only time, sir. He don't belong to my prison.

1658. (*Dr. Ligon*.) How many were present on that occasion?—I think, sir, 12 of the prisoners. There was no officer but myself, sir, there at the time.

then, does it?—Well, sir, it occurs very often with a good many disobeying their lawful commands of the officer.

1659. Then you appear to have a very clear recollection of the occasion itself, and of what took place on that occasion?—I do, sir.

1660. And I want to know, therefore, as your memory is so clear as that, if you cannot call to mind even one of those who were present at the scene?—No, sir; I can't, not for certainty.

1661. You cannot name any one who was present at that scene?—No, sir; I cannot.

1662. Do you deny absolutely that you spoke in an angry or excited manner?—I do deny it.

1663. Or that you used any sort of strong language to him?—I do deny it, sir.

1664. (*Dr. Greaves*.) Were those sheds at which this took place at the prison, or down at the moor?—At the prison, sir.

1665. Is that barrow there still?—It is there still, sir.

1666. Can we see the barrow?—Yes, you can, sir.

1667. But there were 12 prisoners?—Yes, sir; I was in charge of 12 prisoners.

1668. Do you remember who those prisoners were?—No, sir; not the whole of them.

1669. Do you remember any of them?—There is a part of them, sir, that were here then; they are away in another prison I believe. I took no notice. I was called on to take charge for half an hour or so, and this was the man I had occasion to speak to, and I took no notice.

1670. Could you now recollect any of those that were present?—Yes, sir.

1671. Could you name any of those that were present?—Yes, sir; there was a man there of the name of Spooner. I believe he is in the prison at present, sir.

1672. In this prison?—Yes, sir; he works in the same shed.

1673. Do you remember any other?—No, sir. I don't belong to that part. I was passing up, and this officer, Mr. Moore, was wanted elsewhere, and I was put there until he came back, and I had occasion to speak to the prisoner. I spoke to him in a civil manner, sir.

1674. Are you sure that you did not use any language that might be considered objectionable?—Yes, sir, I am sure I did not. It is not my place to do so. If there was anything wrong it is my duty to report it.

1675. Did you speak to him in an excited manner?—No, sir; I spoke to him as I do to every prisoner, in a commanding manner, although civil.

1676. What do you mean by a commanding manner?—Well, sir, I spoke in a loud tone, in a way to be heard, but civil. I do my duty, sir, whenever I have it to do.

1677. Will you state positively that you did not use any strong, or violent, or abusive language to him on that occasion?—I will, sir. I am sworn to what I am speaking to. I had to speak to the prisoner for idle talking, and I checked him, and he turned round and said something; what it was I don't know. I cautioned him and he desisted, but if he persisted in talking I should report him.

1678. When he desisted, did you say anything more?—No, sir; I said nothing more.

1679. Could you repeat the words that you used in giving the order in this commanding tone?—I told him to leave off talking and mind his work.

1680. Did you call him by his name or number?—No, sir; I don't think at that time I knew his name; I knew the man.

1681. What is your habit of addressing a prisoner here; do you call him by his name or number?—His name, sir; if you don't know his name you will see

J. B. Haines.

10 June 1874.

P. Stang.

F. Steady.
to June 1879.

she man he will speak to and charge him. We know everybody after they are here a little time.

1674. You told him to stop talking and mind his work?—Yes, sir. He turned round and said something. I cannot say what it was he said. He desisted, and talked no more, and therefore I only cautioned him.

1675. That is besides the first order?—No, sir; I

(The witness withdrew.)

J. Moore.

JAMES MOORE examined.

1676. (Mr. Brodick.) Are you a warden of this prison?—Yes, sir.

1677. Do you know Patrick Lennon?—I do, sir.

1678. Was he in your charge last month?—Yes, sir.

1679. Can you recollect the 18th of last month?—Yes, sir; quite well.

1680. On the 18th of May last did you find it necessary to report Patrick Lennon?—Principal warden Hannah reported him on that day, sir.

1681. What was it that led to that? State, as far as you can remember, what it was that took place.—I gave all the prisoners under my charge the order to take their jackets off.

1682. Where were they working then?—In the stone cutting shed, sir.

1683. Is it usual to take their jackets off in the stone cutting shed?—Yes, sir; in summer time, in summer weather.

1684. You ordered them to take their jackets off; did Patrick Lennon object to do so?—He refused to do so, sir, with my order; him and others as well.

1685. Do you remember what passed?—I don't remember him saying anything to me, for I was too far distant.

1686. Then what do you mean when you say he refused to do so?—Because he didn't take it off, sir.

1687. Were there any others who disobeyed the order?—They were reported also, sir.

1688. How many others?—Two others besides him.

1689. Are you sure that they heard the order?—Quite sure, sir, for I didn't speak in a very low tone of voice, for I am pretty sound in the lungs, sir.

1690. Were the others at a distance from you too?—No, sir; one was at the same length and the other was nearer to me.

1691. Were they the only ones that did not take off their jackets upon your giving the order that they should do so?—No, sir.

1692. Did you observe anything take place between them?—No, sir.

1693. There was no signalling between them?—One that was close to Lennon, sir, could talk. One whispered the other. I was the only officer in the shed at the time.

1694. You do not know that they talked?—Very likely there was some correspondence, sir, but I cannot swear to any.

1695. Did you repeat the order when it was disobeyed?—Yes, sir; two or three times, and I saw there was a spirit of resistance, and I called in the principal warden to see what was going on.

1696. What is his name?—Principal warden Hannah, and he ordered him two or three times as well, sir, before he took it off.

1697. Then he repeated the order?—Yes, sir.

1698. Then are you quite sure that they knew that they were ordered to take off their jackets?—Quite sure, sir.

1699. They did not say anything?—No, sir; if they had said anything I was not close enough to hear what they did say.

1700. What happened then?—The consequence was, sir, that after principal warden Hannah came and gave them the order there was a great spirit of resistance on their part, and by doing so they were reported for not complying with the order in the proper spirit and in a proper manner.

mean the first caution was to leave off talking. If he persisted talking I should report him, sir.

1676. Did you say to him that you would report him?—No, sir.

1677. You did not find that necessary?—No, sir. If he persisted I would of course report him, but I had no necessity for doing it. When I spoke to him he left off. I know nothing more about the man.

1701. You were not present when they came before the governor, I suppose?—No, sir.

1702. Has Lennon been under your charge since?—Yes, sir.

1703. Has he ever disobeyed orders since?—No, sir.

1704. Have you had any reason to complain of him since?—None, sir.

1705. (Mr. Lyons.) Why did you order them to take off their jackets?—Because a man can do his work better, sir, with it off; because he has more liberty of motion.

1706. What work were they doing?—Dressing stones, sir.

1707. Were they in the open air?—No, sir; under a cover, in a shed.

1708. What sort of a day was it?—A very good day, sir.

1709. What time of the day was it?—After dinner, sir, between 1 and 2 o'clock.

1710. Was the wind blowing at the time?—A little, sir.

1711. Was it a sharp wind?—No, sir.

1712. Have you any idea of what way the wind was blowing at the time?—I don't recollect, sir.

1713. Was it blowing into the shed?—A little, sir; nothing to speak of; nothing to injure.

1714. How long before that had they their jackets off?—A little before dinner, sir.

1715. Why do you suppose they had their jackets on?—I don't know, sir.

1716. Do you think they felt cold?—No, sir; no man should feel cold at his work. None but a lazy man would feel cold at his work.

1717. For what reason do you suppose they wished to keep their jackets on?—Partly in a spirit of opposition, because they knew I wanted them off.

1718. Is it a rule that they are to take them off and hang them up before going to work?—It is a rule with me, sir.

1719. Had those same men their jackets off before then?—Those same men had their jackets off before dinner, sir.

1720. Had they complained of feeling cold?—Not that I am aware of, sir.

1721. If it began to blow hard, or that there was a steady wind, what would you have done?—I should not compel them to take their jackets off then, sir.

1722. If they asked to be allowed to put them on in consequence of the weather being bad, would you allow them?—I should not compel them to take them off, sir.

1723. If the wind was cold, and that they wanted to put their jackets on, would you allow them?—Yes, sir.

1724. And you have done so in several cases?—Yes, sir.

1725. You do not remember that the weather was bad at that time?—It was a very nice day, sir.

1726. (Mr. De Vere.) Was this order of yours directed to the whole squad of men?—I make no exception, sir.

1727. The order applied to all?—It applied to all, sir.

1728. Who were the two men who besides Lennon declined to take off their jackets?—Mark Hunt, sir, and John Beten, sir.

1729. Were they countrymen of Lennon's?—I

don't know about that, sir. I don't know any man's country; it is no business of mine.

1732. I suppose you do not know what offences they were convicted of?—No, sir; that is a thing that don't concern me, and I don't look after it.

1733. All the rest of the body of men obeyed the order except those three men?—Yes, sir.

1734. And they obeyed at last?—They obeyed at last, sir; but it was the spirit of opposition bordering on mutiny, sir.

1735. (*Dr. Owen*.) Is it the rule for men in work without their jackets in summer?—Yes, sir.

1736. Not only under you, but under other warders also?—I don't know about other warders, sir.

The witness withdrew.

JAMES HANNAH recalled.

1743. (*Mr. Brodick*.) Are you a principal warder in this prison?—Yes, sir.

1744. Do you remember the 18th May last?—I do, sir.

1745. Were you on that day in charge of a shed in which the prisoner Patrick Lennon was working?—I was in charge of a district, and this shed was a portion of it, sir.

1746. Were you present when the warder James Moore gave orders to the men working in the stone-cutting shed to take off their coats?—No, I was not present at the time, sir.

1747. How did you hear of it?—He reported it to me on my visit.

1748. While the men were still in the shed?—While the men were still in the shed.

1749. What did he say to you?—He told me that these men refused to take off their jackets. There were three or four of them. Patrick Lennon was one.

1750. What did you do thereupon?—I went immediately to the shed and ordered them to take off their jackets.

1751. Did they do so?—No, sir; they refused to do so; they said there was a draught; that it was cold.

1752. Did they say that in a respectful manner?—No, sir, quite the contrary; in a very disrespectful manner, and they appeared to be very much excited.

1753. Were they still in their places working with the rest?—They were not working, sir; they were standing by their benches, but they were not at work.

1754. Was there any concert visible between them; was there anything like a combination that you could yourself see between them?—Well, I should think there was, sir, by their manner. In fact, when I ordered them to take off their jackets, after repeatedly ordering them, I saw them look round the shop to see if the other men had taken off theirs.

1755. When you say "The other men," do you mean the other two men besides Patrick Lennon?—There were eight or nine other men, sir, in the shop.

1756. Who had not taken their jackets off?—No, sir; they had taken them off.

1757. When you arrived all had their jackets off except those?—I could not say, sir; the greater part of them had.

1758. Do you remember if they told you that it was a draughty day?—They said it was draughty and that it was cold, in a very insolent manner.

1759. Do you remember, did Lennon say that?—I cannot remember whether it was Lennon or the other men, but I am almost certain it was Lennon.

1760. What did you do then?—I ordered them to take off their jackets, and they did so after being repeatedly ordered.

1761. Did they say anything when they complied?—Nothing, sir, that I heard.

1762. You left them then?—I left them then, sir, and reported the case.

1763. What did you report?—I reported that those

1757. You only knew of your own party?—I only know of my own, sir.

1758. Do they work without their jackets by any orders but yours?—I have had orders from the highest powers for it.

1759. You have orders from others to make the prisoners put off their jackets for work in fine weather?—In fine weather, sir.

1760. Then it is not you who make the order?—I carry out my instructions, sir.

1761. Do you know whether the same instructions apply to other men similarly employed under other warders?—I do not, sir.

1762. (*Dr. Lysons*.) How long are you a warder in this place?—I have been warder seven years next August, sir.

J. Moore.

18 June 1870.

J. Hannah.

three men refused to obey Mr. Moore's orders. I ordered Mr. Moore to report on, and I reported two more.

1764. Who was the man that he reported?—A man named Brien, sir.

1765. You reported Lennon?—I reported Lennon and Hunt.

1766. Did you simply report that they had refused to obey orders?—I reported him for showing a spirit of disobedience in disobeying the order of the officer in charge of him.

1767. Did you report them for inciting others to do so?—No, sir, not for inciting others.

1768. That was not part of the charge?—I don't think it was part of the charge; showing a spirit of disobedience to the order of the officer in charge of them was what they were reported for.

1769. Would that report be made in writing?—Oh yes, sir.

1770. Were they brought up before the governor?—Yes, sir.

1771. Were you present when they were brought up?—Yes, sir.

1772. What did they say in answer to the charge?—They merely said that it was very cold and draughty, something of that sort; some simple remark of that sort, nothing more. That is also entered in the report sheet; their defence is.

1773. (*Dr. Lysons*.) Were you in charge, at the time, of the other sheds besides this one in question?—Yes, sir.

1774. Were there men in the other sheds at that particular time wearing their jackets?—No, sir; I think not. The whole of the shoemakers were all stripped, sir.

1775. Had you given a general order for the men to take off their jackets, or was it done by Moore's own desire?—It is left, sir, principally to the officer's discretion. If the morning is very cold they keep their jackets on until, perhaps, the sun is up.

1776. Then might it happen that in one shed one warder would think it cold enough for the prisoners to keep their jackets on, while at the same time in another shed another warder would not think it cold enough to keep them on, and would order them to be taken off?—There might be a little difference of time, sir, in ordering them off.

1777. Might this happen, that at the same time of the day one warder would direct his men to take off their jackets, and in a contiguous shed another warder would not order them off?—Yes, sir, that might happen.

1778. So that it would depend altogether upon the warder's estimate of the state of the weather?—Yes, sir.

1779. Could you say how does this particular shed look as to the points of the compass?—Yes, sir, it is about north-east I think; yes, sir, about north, nearly north.

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1780. North, or north-east, which?—North I think; it is almost north.

1781. Is there any record kept in this prison that would show how the wind was blowing on that day, or what the temperature was?—Yes, I think there is a record kept, but I am not certain.

1782. I did not quite understand you when you said that when you arrived at the shed nearly all the men had their jackets off?—Yes, I think the greater part of them had.

1783. But do you think that there were some besides those three who had not their jackets off?—Yes sir, there were.

1784. There were some besides those three?—I think there were.

1785. But your attention was more drawn to those three men?—Yes sir, to those three men.

1786. Why were not the others reported as well as those three?—They complied with the order sir.

1787. You state that up to the time at which you arrived at the shed, others besides those three men had not their jackets off?—Yes, sir; and those three men I ordered repeatedly to take their jackets off.

1788. Why had Moore singled those men out?—Mr. Moore did not single them out sir. I walked up to those three men.

1789. Did he not report to you only those three men?—He reported to me that the men had refused to obey his order to take off their jackets.

1790. That the men in general had refused?—Not the men in general, but those three men I think.

1791. When you arrived you found that others had not their jackets off?—One or two I think; but my attention was only directed to those three men.

1792. Why did you not report the other two men as well?—They complied, sir; but those three men positively refused to obey my orders.

1793. What reason did they give for not complying with your orders?—As I said before, they said it was cold and dranghty.

1794. Do you think that was reasonable or not?—I think not, sir; for I stood in the particular place, and at that time on the 18th May it was a long way from being cold.

1795. What time in the morning was it?—It was about half-past 7 o'clock.

1796. Half-past 7 in the morning?—I think so, sir; about that very hour.

1797. (Mr. Bradrick.) Was it not after dinner?—Oh no, sir. Let me see. I think not, sir.

1798. (Dr. Lyons.) You may think for a moment as to what hour it was?—I think it was the morning, sir. Yes, it was the morning.

1799. You think it was in the morning at half-past 7 o'clock?—Yes, sir; but the report itself would show the time.

1800. (Dr. Greenwood.) Can we see the report?—There is a record kept in the governor's office, sir.

1801. (Dr. Lyons.) Would you be surprised to learn that it has been stated by another witness that it was after dinner?—I am not quite positive myself, sir, but I think it was in the morning. We have so many reports that I do not remember.

1802. You are not prepared to state positively, but you think it was at half-past 7 in the morning?—I think so, sir.

1803. Would the official report show the hour of the day at which it took place?—Yes, sir.

1804. Who can give it to us?—The governor, sir.

1805. Do you think that there was no reasonable ground for the men complaining that it was cold, and that they would wish to keep their jackets on in consequence?—I do, sir; not the slightest room for complaint.

1806. What object with the view to general insubordination do you think the men could have in keeping their jackets on?—I don't know, unless a spirit of opposition. I don't know that they had any cause to show it.

1807. I could understand if they declined so work, but a combination to wish to keep their jackets on

unless to guard against cold, is rather a curious one?—Oh, we have had cases of the kind before, sir.

1808. (Mr. De Vere.) When Lenson refused to take off his jacket and said it was very cold, did he say anything at the same time about his peculiar state of health?—No, sir; certainly not.

1809. Certainly not?—I think not, sir.

1810. Now consider. Are you quite sure that he did not say, "I am suffering from disease of the chest"?—Well, he may, sir, but I don't recollect. I know he appeared in a very excited state.

1811. Have you any reason to believe that he exercised any influence in the way of combination over the other two who were also reported?—No, sir. I saw nothing to lead me to think so; but he cast his eyes round the shed to see if the others would do as he did, I suppose; and from the remark one of them made at the time, Brice, he said, "I will make one of the number seven," that is as much as to say, "We will all strike together, the whole of us."

1812. Was there any relationship of country, or of crime, or in any other way, between Lenson and the other two men that were punished with him on that occasion?—Not that I am aware of.

1813. Had you any reason to believe that the three men were trying to incite the others to a similar mode of action?—I certainly had, sir.

1814. What was your reason?—Their manner, sir; and this Brice's in particular, and the very remark he made, "I will make one of the number seven," that was as much as to say he would strike work.

1815. What has been the general conduct of Patrick Lenson since that time?—He has been quietly doing his work, sir. He would be rather incontinent sometimes.

1816. Has he ever complained to you as to the state of his health?—No, sir. He has been in prison where I am doing duty, and I have no complaint from him or against him.

1817. Does he appear to you to have changed for the worse?—He appears to have changed for the better, sir. He is looking remarkably better, sir.

1818. Better than he was?—Better than he was a few months ago, sir.

1819. Is he looking better now than he did when he came to this prison?—I cannot say, sir; I don't remember.

1820. He has been in hospital I believe?—He has been in hospital, sir.

1821. When you say he is looking better now, do you mean better than when he was put into hospital?—Some little time ago when I saw him, sir.

1822. Do you mean that he is improving since he left hospital?—No, sir; I was not aware he was in hospital, sir.

1823. He never made any complaint to you about the state of his health?—No, sir.

1824. (Dr. Greenwood.) If when you told Lenson to take off his jacket he told you that he was not very well, or that he was not well able to work, would you have allowed him to keep it on?—I should have removed him up to hospital, sir.

1825. If a man when at work and when told to take his jacket off spoke civilly and said he felt cold, would you allow him to keep it on?—I should not be allowed to do so; for they are generally taken to the doctor then.

1826. You have no discretion in fact in such cases?—Well, no, sir.

1827. (Mr. Bradrick.) It appears from this return that the offence happened at half-past one o'clock in the afternoon?—Oh, then I was mistaken, sir. I know it to be immediately after we march in for the work.

1828. You were present, I presume, when the prisoner Lenson was called in before the governor to answer the charge that had been made against him?—Yes, sir.

1829. Do you remember what he said in his defence?—He said it was cold, I think, if I recollect rightly. I

think he said it was cold or something of that sort; and he made some other remark—rather an innocent one, I think; it was a very few words though.

1830. Have you any recollection of his saying it was “perfectly right to resist cold-blooded murder”?—Oh, yes, I recollect that now, sir. As he was

The witness withdrew.

JOHN HODGE examined.

1832. (*Dr. Lyons.*) What office do you fill in this prison?—Principal warder, sir.

1833. (*Mr. Broadrick.*) How many principal warders are there?—Eight or nine, sir; I can’t say which; I think it is nine.

1834. (*Dr. Lyons.*) How long have you been a principal warder?—Since last July.

1835. Were you here at the time that a prisoner named Mulcahy was here?—I was, sir.

1836. Were you in charge of a party of which he was one at the outworks on the moor?—I was, sir.

1837. Can you tell me whether at any time he was made to carry slabs of stone on his back?—I know that he was employed with other prisoners carrying stones, sir.

1838. Carrying them how?—On their backs, sir; which is usual work for them on the works, sir, here.

1839. Is it usual?—Yes, sir.

1840. To carry slabs on their back?—Yes, sir.

1841. Is it usual still?—Yes, sir.

1842. How would they carry them on their backs?—On their shoulders, sir.

1843. On their shoulders?—Yes, sir; very small slabs, sir.

1844. But small or large, they are directed to carry them?—Yes, sir.

1845. Do you recollect any particular instance in which Mulcahy was directed to carry slabs on his back?—No, sir.

1846. Do you remember seeing him carry slabs of stone on his back?—I do, sir.

1847. You distinctly remember seeing him carry slabs of stone on his back?—Yes, sir.

1848. Is it possible that he could have carried slabs of stone on his bare back?—Certainly not, sir.

1849. Could any part of the slab of stone have rested on his bare neck above the collar of his shirt?—I wouldn’t say that; I couldn’t say.

1850. You think it is possible?—It might be, sir.

1851. Is there any limit as to the size of the stones that are carried on their backs?—Yes, sir.

1852. What is the limit?—I should say 20 to 25 or 30 lbs., sir.

1853. At whose discretion would it be to say “Carry this stone,” or “that stone”?—Mine, sir.

1854. Are you specially in charge of the outwork?—I was specially in charge of the working party.

1855. Then it would be by your direction that he would have carried the stones?—Yes, sir.

1856. Were you in charge of him at the outworks all the time he was here?—I was in charge of him 12 or 14 days, no more; not on the works, sir; 12 or 14 days on his first arriving here, sir.

1857. How far would he have to carry those slabs of stone?—Perhaps from 80 to 100 yards, sir.

1858. Could he have carried them farther at any time?—He might, sir.

1859. What is the farthest distance that a man would be required to carry a piece of stone?—Not over one hundred yards, for he would rest it. For instance, if it was a stone of 30 lbs. weight he would put it down.

1860. Then he would have to carry it another hundred yards?—No, sir; it is stones for draining we carry. A man could carry a stone better on his back than on the barrow, in those awkward places; and therefore we direct them to carry them on their shoulders.

1861. What is the greatest distance that a man might carry stones?—I would say a hundred yards, sir. You asked me ought he have to carry it a second

leaving the office door that is the very expression he made use of.

1831. You have a clear recollection of that?—Yes, sir; but we have so many a case that we cannot retain them in memory, but there is always a record kept of reports; all reports are entered.

The witness withdrew.

hundred yards, but it could not be that, sir; 100 yards is the farthest distance to carry stones I believe for the prisoners.

1862. What would you say now is the largest stone that a man would be asked to carry?—Not over 30 lbs., sir.

1863. What size would that stone be?—A flat stone as wide as that box, sir (pointing to a despatch box).

1864. Mention the measurements?—Perhaps one foot wide by—what can I say, sir, I can hardly describe it to you—perhaps 15 inches by 10, sir, or something like that.

1865. If a man said a stone was too heavy for him, what would you do?—I should certainly use my own discretion. I would not make a prisoner carry a stone if I thought it too heavy, sir.

1866. Do the prisoners seem able to carry stones with facility?—Yes, sir; they prefer carrying those stones on their shoulders.

1867. You never saw a man stagger under a stone that was too heavy for him?—Never in my life, sir.

1868. Suppose a prisoner said he was weak and sick and could not carry a stone, would you dispense with him carrying it?—I would favour him, sir, if I thought he really was.

1869. You would have the power of dispensing him from carrying a stone?—I would, sir.

1870. (*Dr. Greenham.*) Would they carry the stones on the shoulders or on the back?—On their shoulder, sir.

1871. Not on the back at all?—Not on the back, sir.

1872. That is the only way they carry them?—That is the only way, sir.

1873. You are sure that the stones are never carried on the back?—No, sir.

1874. (*Mr. De Vere.*) How would the stones be carried that were too heavy to be carried on the shoulder?—In barrows, sir.

1875. At what time of the year did this take place?—Different seasons of the year, sir.

1876. What time of the year do you recollect to have seen Mulcahy drawing stones on his shoulders?—I cannot tell you, sir. He was a very short time with my party. I think it was about a fortnight or something like that.

1877. Was it on ploughed ground or on grass?—On trenched land, sir.

1878. The heavy stones were drawn in barrows?—In barrows, sir.

1879. I need not ask you whether the light stones could not also have been drawn on barrows?—They might have been, sir. I beg pardon, sir, the men generally carry their own stones; that is, sir, it is seldom I order a man to carry a certain stone; that is, they take a stone and give the officer satisfaction if they can, to let him see they perform a certain amount of work.

1880. The ground was in that state that barrows might have been used?—Oh yes, sir, certainly.

1881. Are there not barrows at work on the farm?—Horses cannot work at that place, sir.

1882. Why?—Because there is a space 6 feet of soft bog over the solid gravel.

1883. Are the barrows that you speak of on wheels?—No, sir; two men to the barrows; they are hand-barrows.

1884. At the time those men carried the stones on their shoulders did they wear their jackets?—I

J. Maseh.

10 June 1870.

J. Hodge.

J. Hodge.
30 June 1870.

should suppose they did, sir, in the month of February, and their smocks as well; it is generally the case.

1885. How long would that sort of labour last; how many hours are contained in your working day?—In February, suppose, from 7 in the morning till half-past 5 in the evening, sir.

1886. Would the same men be drawing stones on their shoulders all that time?—During the day, sir.

1887. Is there any pad of hay or straw given to them to put between their shoulders and the stones?—No, sir.

1888. Did you ever know a man to get his shoulder stripped from it?—No, sir. I could secure a stone to carry and never get a shoulder stripped from it, sir.

1889. Can you recollect any complaint made to you by Mulcahy or any others of the hardship of having to carry those stones?—No, sir; I don't believe the man complained to me the few days I had him, sir.

1890. (*Dr. Lyons.*) Did Mulcahy ever spit blood while he was at work that way?—Not that I am aware of, sir.

1891. Did you ever hear of his spitting blood?—No, sir.

1892. Do you think he could have spat blood at the works without you knowing it?—He might have done so, sir.

1893. (*Mr. Brodrick.*) Have you known any men get ruptured in this work of carrying stones?—Never, sir.

1894. Or in the work of wheeling the barrows?—Never, sir.

1895. (*Dr. Greenwood.*) Have they ever to lift very heavy stones?—Not very large, sir.

1896. How do they lift large stones?—There is extra strength put to them. For instance, those large stones are placed in barrows, sir, and they are lifted generally on the walls by six men.

1897. Lifted on a barrow?—On a barrow, sir.

1898. How are they got into the barrow?—It is a barrow without wheels, sir. It has no sides to it, sir.

1899. Still how are they put on to it?—Rolled on, sir.

1900. (*Mr. Brodrick.*) Would the men at work in piling stones or trenching, the gangs that you describe, wear flannels next the skin?—Yes, sir.

1901. Was it so when Mulcahy was with you?—Yes, sir; it always has been the case in this prison, sir, since ever I have been in it, with every prisoner, sir.

1902. (*Mr. De Vere.*) Summer and winter?—Summer and winter, sir.

The Commission adjourned at half-past 7 p.m.

Dartmoor Prison, Saturday, 11th June 1870.

The Commission resumed at half-past 9 a.m.

PRESENT:

THE HONOURABLE G. C. BRODRICK IN THE CHAIR.

S. E. DE VERE, Esq.
DR. LYONS.

DR. GREENWOOD.

W. SPENCER ORLEANT, Esq., Secretary.

MAJOR HICKEY TESTIFIED.

Major Hickey.

11 June 1870.

1904. (*Mr. Brodrick.*) From what book is this extract made?—It is termed the "governor's medical reference book." Here you see, sir, my remarks on the subject copied there and sent to the medical officer for his reply. When it comes back to me I initial it.

1905. Do you hand in a paper containing extracts from that book and another book called "the governor's interview book"?—Yes, sir. They are extracts from the transactions connected with Patrick Lennon in those two books. Every place where his name appears I have given you there. In those two books wherever his name appears I have given you a copy of it.

1906. Does that paper contain an account of all the complaints made by Patrick Lennon and the mode in which they were disposed of?—Yes, sir; all the complaints made to the governor by Patrick Lennon.

1907. And the mode in which they were disposed of?—Yes.

1908. From what source is this paper compiled?—Combined from the "governor's interview book" and "the governor's medical officers' reference book." From these two books.

1909. This book is entitled "the governor's medical reference book"?—Yes.

1910. And this contains a copy of all the entries made on complaints from Patrick Lennon?—Yes, sir; during the time of his incarceration here.

1911. (*Dr. Lyons.*) Can you furnish us with a similar return from both your books with regard to Mulcahy?—Yes, certainly sir. I think you have got everything now. I supplied Captain Stoddard with the information against Mulcahy, and against Berry there is nothing. I think he never had an interview here.

1912. (*Mr. Brodrick.*) Have you a copy of any reports made against Lennon and their results?—

I have, sir. I have got the originals in the next room, and they are being copied.

1913. Then you hand in a copy certified by you of all the reports made against Patrick Lennon with the results?—Exactly, sir.

1914. (*Dr. Lyons.*) Can you give us similar returns with regard to Mulcahy. We have already the entries of applications made by Mulcahy and their results?—I can give you the same of course regarding him. They are all kept here.

1915. You can give us the reports and the results?—Yes, sir.

1916. And can you give us extracts from this case-paper?—No, I think not, sir. I rather think they follow the prisoners.

1917. Is there no record kept permanently in this prison of what takes place in the infirmary with regard to the convicts?—I think the case papers are kept, but that his medical history follows him wherever he goes.

1918. The case-papers are kept?—I think so.

1919. Will you be good enough to get us certified extracts from Mulcahy's case-papers?—Yes.

1920. May I ask you, Major Hickey, what instructions you received with regard to the visit of this Commission to this prison?—I have them here, sir:

"Sir, Office of Director of Convict Prisons,

2nd June 1870.

"I am directed by the chairman to forward a copy of a letter which he has received from the Secretary to the Commission of Inquiry into the treatment of treason-felony prisoners in English prisons, and to request that the wish of the Commission therein contained may be carried out, and that you will carry out the desire expressed in the sixth paragraph from the time of commencing to the prisoners concerned, on the subject of

"the inquiry, which will be three clear days before their visit as referred to in the first paragraph.

"I am, sir, your obedient servant,
"FREDERICK PALMER,
"For Secretary."

"To the Governor of Dartmoor Prison."

This was accompanied by your secretary's letter. In my journal in which I keep a copy of everything I do here connected with the prison, it is recorded for the information of the visiting doctor, that on my sending for Patrick Lennon and giving him the option of being supplied with paper if he wished to write, and being kept from labour, and my telling him that I would leave him for three days in his cell to write anything he wished to lay before you, in the presence

of the chief warder he thanked me and said he would rather go to his work, as all he had to say was a few words; but on the third day, in the morning, I gave him his option again of remaining in his cell and taking paper if he had changed his mind; of this he availed himself. I rather think he was instigated by some other party to do that. I have a strong suspicion that he was.

1921. But you gave him full liberty for three days?—Yes, at half-past 6 or 7 o'clock on Monday morning I told him all I was desirous to tell him about this Commission, sir, and he thanked me very civilly and said he did not want to write anything, that he had very little to say, and if I left it to him he would prefer going to his labour, as he would rather be out in the open air.

PATRICK LENNON, prisoner, recalled.

1922. (Mr. Broadrick.) Have you anything to add to the statement you made to us yesterday. Has anything occurred to you since?—That I continually complained to the priest, that is all. I have complained to the priest continually.

1923. (Dr. Lyons.) Of what did you complain to the priest?—Of my health; and he never would answer me. I have asked him in the prison and in the hospital one time when I was very bad, and I showed it to him, and he said "You needn't be always thinking about your health."

1924. What did you show to him?—I showed him what I spit up, sir; so I held it beside my bed. When he wouldn't answer me that made it worse.

1925. Made what worse?—Made my feelings worse; it more convulsed me that I was gone beyond recovery. Of course we are to open our minds to the priest more than to any other man.

1926. (Mr. Broadrick.) Did you ask him to make any application for you?—No; he didn't interfere.

1927. (Dr. Lyons.) Why have you such apprehensions about your health?—Why sir, the weather affects me now. I feel sore. The weather didn't affect me before. When I lay on my back I used to feel; that is the way it affected me first. Now, here (indicating the right side of the chest) I feel sore, and this side (the left) is different now. Sometimes when I breathe it is like as if someone had a hold of the inside and had it squeezed up together and it burnt. It is altogether different from this (the right side).

The prisoner was removed.

The Rev. GEORGE GREEN examined.

1937. (Mr. Broadrick.) Are you the Catholic priest who attends this prison?—Yes, sir.

1938. (Dr. Lyons.) What is your official designation?—Visiting priest.

1939. Visiting chaplain or visiting priest?—Visiting priest.

1940. (Mr. Broadrick.) Have you free access at all times to the Catholic prisoners?—Yes, except when they are locked up, that is during dinner time or when the officers are not on duty. Then I cannot see them, because nobody is supposed to be in the hall except the one officer locked up with them. When they have made up their beds at night and are locked up for the night, then, also, I cannot see them.

1941. (Dr. Greenhow.) Supposing a prisoner were to be taken ill in the night and wished to see you, could you see him?—Yes, because I keep a key to the keys of the prison, and nobody can unlock the prison keys unless I unlock them myself.

1942. (Mr. Broadrick.) Do you reside in the prison?—No, within two or three minutes walk of it.

1943. (Dr. Lyons.) As a matter of fact have you been summoned at night?—Yes.

1944. And you found no difficulty in seeing the prisoners?—No.

1945. (Mr. Broadrick.) How often do you habitually

1928. Have you anything to add to what you stated yesterday?—No, sir.

1929. Is there anything further that you wish to state in writing or orally now?—I don't know how to make out these things.

1930. Would you wish to consult with any friends?—I would like to be examined by a doctor, and my friends to be told the state of my health. Not the doctor here.

1931. Is there any friend you would wish to consult with, with regard to what you have already alleged in your charges against certain persons in the prison?—Well, I don't know anyone. There was a man that wrote in London to the governor about me, but then he is a stranger to me.

1932. Now finally, is there anything else that you wish to add to what you stated yesterday, or to what you have put in in writing?—No, sir.

1933. Is there any further complaint against any persons, either here or in other prisons that you have been in, that on reflection you wish to add to what you put in yesterday?—No, the only thing is about the doctor, sir; that is all.

1934. (Dr. Greenhow.) Do you complain of the doctor in Millbank?—I do, sir; the doctor that wouldn't attend to me; the doctor here and the one in Millbank.

1935. Not Dr. Gover?—No, sir; I would like to be under him now.

1936. There is nothing that you wish to add to what you have already told us?—No, sir.

visit the prison?—The chaplain has to go the first thing in the morning to read morning prayers, and I have to go then also. I am supposed to visit all the sick class and the penal class before 10 o'clock a.m., as the doctor would like me to finish before 10 o'clock. Those are the special times that I am bound to visit the prison, but I go at other times for my own spiritual duties. I go at night; but that is not an obligation of the prison rules.

1946. Do you mean to say that you see every catholic prisoner every day?—Oh, not every catholic prisoner; I see, sir, all the sick and all those under punishment.

1947. And with regard to the others, what is your practice?—They are each supplied with a ticket, and that ticket they bring if they wish to see me at any time. There is a box at the entrance of the chapel which they drop their ticket into, then I open the box after I have been round the sick class, and then I go and see them in the evening. (Fitness exhibits one of the tickets.) That is the class of ticket; they have got the number of their cell on it.

1948. Have you ever experienced any obstacle to your visiting the Roman Catholic prisoners freely?—No, sir.

1949. Do you know the prisoner Patrick Lennon?—I do, sir.

Major Hickey,
11 June 1870.

P. Lennon.

Rev. G. Green.

Am. G. Green.

11 June 1870.

1860. Have you ever visited him; I need hardly ask that?—Oh yes.

1861. Has he ever made complaints to you?—Well, he has often made complaints about his health when he was in the infirmary. In fact he used to ask me several questions about his health; and I considered he was nervous, yet I thought him a little nervous about his health. I did not know what his complaint was, or the amount of sickness he was labouring under, but seeing he was a little nervous I used to try to laugh him off, not to make his mind uneasy.

1862. Did he ask you to do anything?—No; well I do not remember distinctly. I always make it a point to see the doctor when he or any prisoner makes any complaint to me, and I always ask the doctor how they are getting on, or what state they are in. I always do that, so that I can have the health of the prisoners always before me, that I may know exactly what to do.

1863. Did you ever make any application to the doctor on Lennon's behalf?—Well, I cannot speak distinctly to that. The general way that I would speak to the doctor is not exactly formally to ask them for anything, but merely to suggest, and in a kind of secondary manner ask them, because the doctors are rather nervous people, or at least a little particular about those questions being asked; and therefore you have to be a little cautious how you put the thing before them.

1864. Has he ever complained to you of neglect on the part of the doctor?—Well, I think he has. Oh yes, he has frequently mentioned it to me; that is, he considered he was not treated by the doctor as he thought he ought to be.

1865. Has he ever complained to you of ill treatment of any other kind, or from any other parties?—Well, he has complained, I think, about the rough conduct of the officers sometimes; the way they speak, and things of that description; but I don't think, of course, that is the usual manner of the officers; some of them, especially some of the Dorset officers, are rough without perhaps meaning to be rough.

1866. (*Dr. Lyons.*) How many Catholic prisoners are in this prison?—I suppose between 300 and 400. We have an increase of 60 within the last two days. I think the number is between 300 and 400, but I do not know the exact amount.

1867. Is the whole of the Catholic administration in your hands?—Yes.

1868. Are you here all the year round?—Yes, sir.

1869. Have you any period of vacation?—I can take six weeks in the year.

1870. Then you appoint a substitute?—Yes, sir.

1871. You are well familiar with Lennon since he has been here?—Oh yes, I have frequently seen him.

1872. Do you remember seeing him when he was in the infirmary about the 7th September last?—I do not remember. Of course I must have seen him, for I see them all every day.

1873. Did the condition of his health ever appear to you very serious since he has been here?—Well, I could not have supposed so. I could not say that I understood his state of health, but I did not see anything to cause any uneasiness at all.

1874. Have you opportunities of observing the conduct of the wardens and the officers generally to the prisoners?—No, sir, I have not. What they may do behind my back I do not know, but they are always particularly civil and attentive when I am down.

1875. Then you do occasionally see the men at work under their charge?—No, not unless it is in—we will call it some private work of the house—or something of that kind; but I have not any opportunity of seeing them at the public works. In fact, I do not think, though I could go through the works, that officers unconnected with the discipline department are expected to go amongst the men at work, and therefore I never interfere much in those things.

1876. On the whole, do you think that the Catholic prisoners here have all full opportunity for access to the ministrations of their religion?—Oh yes; I do not think there is the slightest obstacle about that.

1877. You do not believe that there is any attempt being made to interfere with their religious observances?—No, not by the authorities; if there is any at all it is by the prisoners themselves scoffing at one another.

1878. That, I take it, would be repressed at once when it became known to, or was noticed by, the officers?—We have had occasionally, but very, very rarely, instances when we thought that there was some little want of respect by some of the officers, but we always got it reported. But at has been of very rare occurrence, and perhaps, after all, I do not know whether it was reality, or whether a man's general bearing, or something else.

1879. Were the officers repressed or corrected for it?—Oh yes.

1880. On all occasions?—Yes.

1881. And those complaints are always properly dealt with?—Oh, yes; they are most particular about that. Any want of respect that I choose to complain of, if the thing can be proved, would be very strictly dealt with.

1882. But you have known instances in which the officer has been repressed and punished?—Yes, there was one case I remember particularly that I had occasion to speak about.

1883. (*Dr. Greenhouse.*) Will you explain the nature of the case?—It was brought to my attention by some of the prisoners. They said that they had noticed an officer laughing when the men were going to receive holy communion. I took occasion to mention this, and he was reprimanded, I think, for it.

1884. (*Dr. Lyons.*) What class of officer was he?—Assistant warden.

1885. (*Dr. Greenhouse.*) Did you yourself believe, sir, that he had laughed at the prisoners?—Well, knowing the man, and knowing his general manner, I thought that perhaps it might not be intentional, because he always had a kind of a laugh on his countenance. Therefore I thought the prisoners might possibly be mistaken about the matter, and I mentioned it that way when I made the complaint.

1886. (*Dr. Lyons.*) But he was punished?—I do not know that he was punished; he was spoken to—reprimanded. Of course he denied it, and having denied it, of course he would mitigate it, as long as I could not speak properly about it. Knowing the man, and the prisoners not knowing him, that he had that peculiar manner of always having a laugh on his face, I thought they might be mistaken, therefore I put it in that way before them.

1887. (*Mr. De Vere.*) Did Lennon at any time when he was not under medical treatment ask you to direct the attention of the medical officer to the state of his health?—I do not remember that he did.

1888. When he was not in the infirmary?—I do not remember that he ever particularly did.

1889. Has Lennon ever complained to you of the nature of his work, as being unfavourable to his health?—He complained about the dust in his stone shed, that is, when he was working as a stonemason I think he complained of the dust.

1890. Did he ever ask you to interfere for the purpose of getting his employment changed?—No.

1891. Were you here, sir, when Mulcahy was confined here?—Yes.

1892. Did Mulcahy ever make any complaints to you of the treatment he received either in matters of discipline, or as regarded his health and medical treatment?—Well, it is some time since he was here, and really I do not remember. He was in a delicate state of health at the time, and I remember him making some general complaints about his health, but I do not remember distinctly what they were, and I could not speak positively to anything now.

1893. Pray, sir, will you have the goodness to inform the Commissioners what are the regulations as to saying mass for the ordinary service of the church?—I say mass only on Sundays and holidays of obligation.

1884. At what hour?—On Sundays, at half-past 10 a.m., and in the holidays it is the same hour for the morning prayers, that is half-past 6 or 25 minutes past 6. They do not allow it to interfere at all with the work of the prison. You must be finished by the usual time for going on parade and going to work, so that I generally get there a little before time, because the usual time for saying the morning prayers would not be sufficient.

1885. Have all the Catholic prisoners full liberty to attend mass?—Yes, except when they are under punishment, and in the infirmary.

1886. If a prisoner is under punishment, and that the period of his punishment extends over a Sunday, is he allowed to hear mass?—No.

1887. Have any prisoners ever complained to you of there being any hardship in their being so deprived of the opportunity of hearing mass?—The infirmary prisoners have frequently done so, and I have made a representation about the matter, but it appeared that it was contrary to the regulations of the prison, and therefore I went to further with it.

1888. When did you make that representation?—It is some time since now. Oh, I suppose it is a year or two; but I have not interfered with them since. I got a very positive answer on the question.

1889. From whom?—From the governor at the time.

1890. Have you ever made any application on the subject to the Home Office?—No, I have not, sir.

1891. What books are allowed to the Catholic prisoners in their cells?—There are four: there is a prayer book, the testament, the "Think well on it," and the "Poor Man's Catechism." These are the four books that they are all furnished with. Then besides these they have books to read, that is what are called the "Henary books," for general reading.

1892. Are those books under your supervision?—No, sir; I have nothing whatever to do with them. I had at one time, but it was taken out of my hands.

1893. When was it taken out of your hands?—During the time that Mr. Clifton was governor here.

1894. Can you state how long ago that is?—I suppose it is five or six years since.

1895. In whose hands is it now?—In the schoolmaster's.

1896. Have you the power of procuring for a prisoner any religious book that you may think necessary for him separately?—If they are in the Henry I can; but if not, I can, by asking the governor's leave, provide him with it. He generally gives leave for a thing of that kind.

1897. Has either Leeson or Mulesky ever applied to you specially for books, either religious books or books of amusements?—Not that I remember. Of course as I have not had the management of the books, all I could do when they asked me this question was to refer them to the schoolmaster; or if they wanted a special book which he is not in the habit of bringing round, I mention the thing to the schoolmaster, and tell him to take such a book with him when he goes to the prison for such a person.

1898. And have you found him ready to comply with that desire?—Yes, generally.

1899. (Dr. Lysons.) If there was a book in circulation that you objected to, could you prevent its circulation?—Yes, I can stop any book.

1900. How can you stop it?—By telling the schoolmaster that I do not wish it to be used any more.

1901. By telling whom?—The governor or the schoolmaster.

1902. Have you had to prohibit the circulation of any books?—Oh yes, sir, several.

1903. (Mr. De Vere.) Are there any suggestions that you would wish to offer to the Commission regarding the relation between you and the prisoners, or generally with respect to the religious instruction of the prisoners?—Well, I do not know, sir, that there is any, because I have free access to them at all times when it is possible to see them. Of course the time is limited. They are mostly at work from

morning to night, and the only time I have is in the evening after they come from their work. There are great complaints about the book system, but I do not know how it can be remedied unless by having provided a Catholic schoolmaster. If we had a Catholic schoolmaster I should then have more supervision over the books, and see them better distributed. At present all the books are in the hands of the schoolmaster, and it is only likely they will supply their own with choice books and leave Catholics to get what they can. That is a general complaint that the prisoners make, that they withhold many books that might be put in circulation amongst the Catholics. But perhaps it is no accusation which might as easily be denied.

1904. Have any instances occurred in which the schoolmaster has furnished books to the Catholic prisoners which you have found it necessary to prohibit?—Yes, sir. I do not know distinctly that they were on the list that had been approved of. The way that the books are regulated is this: they give me a list of the books. I cannot tell what a book is from the list they give me of the names of the books, because they go under such extraordinary names you cannot possibly guess what is inside. Sometimes you might approve of a book that you would disapprove of, but being approved of by me they would distribute it; but when it comes to my knowledge that there is anything objectionable in a book, I say, "That book must be erased and no longer used."

1905. Allow me to repeat the question. It is a matter of fact that instances have or have not occurred, in which you have been obliged to prohibit any book furnished to the Catholic prisoners?—Oh, yes, sir; several times. In fact I have got one or two on my list now that I shall have to prohibit.

1906. (Dr. Lysons.) Could you name the books?—I cannot name them now, sir. I know that such a thing has occurred from time to time.

1907. (Dr. Greenwood.) Have you known any books given by the schoolmaster to Catholic prisoners which were not on the list that you had yourself approved of?—I cannot say that.

1908. I repeat my question. Do you know that any books have been supplied by the schoolmaster to Catholic prisoners, which books were not in the list that you had approved of yourself?—I do not know.

1909. What you mean is that you have found afterwards that books which you had approved of from the title, were objectionable; but when you have required them to be struck out of the list, has not that always been done?—Yes, sir.

1910. (Dr. Lysons.) Did I understand you to say that you thought it necessary or desirable that there should be a Catholic schoolmaster in an institution where there are so many Catholics?—Yes, sir. I believe the directors perceive, as soon as there is a vacancy, that I shall have one.

1911. What do you mean by "as soon as there is a vacancy"?—As soon as there is a vacancy for a schoolmaster here. They are only allowed a certain number for the number of prisoners. He said, "you will have to wait until there is a vacancy, and then it will be filled up by a Catholic."

1912. How many schoolmasters are in this prison?—Four.

1913. What is the proportion of the number of prisoners to each schoolmaster?—I do not know, indeed.

1914. (Mr. De Vere.) Could you state, Mr. Green, the mode of imparting instruction to "the school," we will call it, within the prison?—They meet on certain evenings; they take it in rotation.

1915. Who take it in rotation?—The schoolmasters; they go from hall to hall during the week, and they finish on the Friday evening. For instance, they will take one of the catholic halls on Monday, the next on Tuesday, Wednesday on Wednesday, and this day and Friday number four; so that they get through the whole prison during the week.

The witness withdrew.

Major Moleay.

11 June 1870.

2016. (*The witness.*) You asked me for the envelope of Moleay, sir. None is to be found here, but here is a copy of a letter I have respecting it:—

" Sir, 18th June 1867.

" In compliance with your request I have the honour herewith to transmit the accompanying medical notes on the case of the prisoner Denis Dowling Moleay, whilst a prisoner in my custody.

" W. J. STROVERD.

" To William Fagan, Esq."

The witness withdrew.

H. Watts.

HENRY WATTS examined.

2021. (*Dr. Lyons.*) What is your position here?—Engineer and clerk of works, sir.

2022. Are men here in the habit of being directed to carry stones on their back, or on their shoulders?—No, sir; it is not my place to direct, because I am not in charge of the men; I am in charge of the work; but I never give an order to any prisoner. I give my instructions to the officer in charge and he directs the men what to do.

2023. But if you said that you wanted a particular stone for a particular purpose, would you point that stone out to the warder?—I should point the stone out and give instructions. Of course certain stones are selected for certain work, and they have to be taken up there by a barrow or other help, that is by means of a tackle when it is too heavy, or otherwise carried up.

2024. But some stones are carried on the men's shoulders or backs?—Yes, sir.

2025. When a man carries a stone on his shoulder or on his back, how he may protection to prevent the stone fraying his back?—Generally, sir.

2026. What sort of protection?—A sort of old nail bag with a little straw put in it.

2027. Is there any kind of straw pad properly made for such purposes?—I think not, sir.

2028. Or a straw pad to have on his back?—I have never known anything made for the purpose. Generally an old nail bag.

2029. You yourself pointed out to us a stone a while ago?—I did, sir.

2030. Is that stone that you so pointed out about the same sized stone that a man would ordinarily be asked to carry?—If a man was asked to carry that stone it would be unusual with him to carry it or not.

2031. But that is about the sized stone a man would ordinarily be asked to carry?—Yes, sir; he would not be asked to carry a heavier stone I think, but they would do it voluntarily.

2032. Did you weigh that stone?—I did, sir.

2033. What weight did you find it to be?—129 pounds.

2034. Do you consider it easy for a man to carry such a stone on his back or shoulder?—I do, sir; that is, a man in health.

2035. Have you known men to carry larger stones than that?—I never weigh the stones. They may have carried heavier than that.

2036. If a man is attempting to take that stone up said it was too heavy for him, what would be the result?—Well, sir, he would not take it, nor be forced to do it. I have never known a case of that kind.

2037. Would he run any risk of being reported for insubordination by a warder, if he refused to carry that stone?—No, sir; if the officer made a report of a man either at the ladder or up the scaffold, but he could not do it, because there are many that could not stand on the scaffold. We have men here that could not do it.

2038. Would a man be expected to carry that stone on his shoulder up a scaffold or ladder?—Not if he don't choose to. We generally keep in most cases inclines. Wherever we can we get an inclined plane up the building.

2039. (*Mr. De Vere.*) An inclined plane with steps on it?—Yes, sir.

2040. (*Dr. Greenless.*) How long have you been

MAJOR HICKLY recalled.

2017. (*Dr. Lyons.*) You have examined the books with regard to Denis Dowling Moleay?—Yes, sir.

2018. Is there any punishment recorded against him?—No, sir.

2019. Was he ever punished?—He was never punished; not even reported.

2020. Does that imply that his conduct here all the time was good?—Yes, sir.

clerk of works here?—Nearly 20 years, but not clerk of works, sir.

2041. When you wish a stone of that size to be carried to the chimneys, or roof of a house, you direct the warder to have it taken up, but you do not tell him how it is to be taken up?—No, sir.

2042. It is not your concern how it is got there?—Yes, sir.

2043. All you have to do with it is to get the stone taken up?—Yes, sir. I have nothing to do with the command of the prisoners at all.

2044. Let me quite understand what your answer is. When you order a stone to be taken up, do you say to the warder, "Will you tell a man to take that stone up," or do you simply tell him, "I want that stone to be taken up"?—Yes, sir; but I never give instructions for a man, no more than when I give instructions for a piece of work to be carried out according to the plan. The officer has an order to carry it out according to the plan, and he directs the prisoners whatever stones will have to be lifted or carried, or otherwise; he gives that order.

2045. What I want to make clear in this: You are not responsible for the manner in which a stone is taken up; you merely order the stone to be taken up, and you leave the warder to determine whether it shall be taken up by hand or lifted by a hoist?—No, sir.

2046. You do not order the way in which it is to be done?—No, sir.

2047. Have you seen such stones as we saw to-day carried up by manual labour?—Well, I think I have, sir; I couldn't say, not from weight, of course, but I believe I have, sir.

2048. (*Mr. Bodrick.*) You believe that you have seen stones as heavy as that carried up by prisoners?—I believe I have, sir.

2049. How would such a stone as that be carried on a man's back?—It would be balanced by other men on his back.

2050. How would he hold it?—He would have it on a balance on his back; the pad would be secured on his back.

2051. And would he not hold it with his hands?—No, sir; I never saw a man hold a stone that way.

2052. (*Dr. Greenless.*) Then would not the stone be fastened on his back?—Balanced, but not secured, sir; and if it was an inclined plane there would be a man to assist him; and if it was on a ladder he would take it on his back; but they are very rare cases indeed.

2053. (*Mr. De Vere.*) In what you have said you are referring to the different works going on within the prison?—Yes, sir.

2054. Not to any of the works outside?—The works in connexion with the buildings altogether, inside and outside.

2055. Does your evidence refer at all to the removing of the stones from the drained or tilled ground?—I have nothing to do with them, sir.

2056. (*Dr. Lyons.*) Were you here when Moleay, the political prisoner, was here?—I don't know the prisoner, sir, but I have been here from before the opening of the prison.

2057. In what year was the prison opened?—In '60, sir.

2058. You do not remember the prisoner Denis Dowling Moleay?—No, sir, I do not.

The witness withdrew.

MASON HICKET recalled.

2059. (*Mr. Brodbrick*.) With respect to the dark cells which we have seen, for how many hours have you the power to confine a man in these cells?—In the dark cells four hours.

2060. Under what rule is that; is it a rule of the prison?—A rule of this prison; a standing order of this prison.

2061. A standing order of this prison?—Yes, handed down to me by my predecessors.

2062. We are aware that at Millbank a man may be confined in a dark cell for as long a period as three days?—At Portland also, sir.

2063. At Portland also?—That is the limit.

2064. What is the reason of that difference being made between Portland and this prison?—Because this is an invalid prison.

2065. And supposing that you were to exceed your authority and confine a man one or two days, in what manner would you be called to account for it?—Well, in the first place, I should have to record in my journal that I had done so and the director would see it.

2066. And would it be the duty of the director to call you to account?—To call me to account, of course.

2067. (*Mr. De Vere*.) Does the director inspect your journal?—Yes, every month he sees all the journals.

2068. (*Dr. Greenhow*.) Can the director himself give a longer time than four hours in the dark cells here?—Of course I cannot answer for their power. I should think he would not; but I cannot answer as to the power of a director.

2069. (*Mr. De Vere*.) Have you ever known instances in which it has been done?—Not in this prison.

2070. (*Dr. Lyons*.) When you say that a man can be confined in a dark cell for four hours only, can he be on the same day re-committed to the dark cell?—Yes.

The witness withdrew.

The Commission adjourned at 1 p.m.

Portland Prison, Monday, 13th June 1870.

The Commission assembled at half-past 11 o'clock, A.M.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. G. C. BRODBRICK.
S. E. DE VERE, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

MR. GEORGE CLIFTON recalled.

2084. (*Chairman*.) Mr. Clifton, you are the governor of this prison, are you not?—I am, my lord.

2085. How long have you been so?—Since the 1st November 1865.

2086. Will you kindly tell me the number of prisoners who are now under your charge?—1,592 this morning.

2087. Perhaps you will describe the different employments to which that number is allocated?—That will involve the necessity for my asking for the morning state, a form by which I can show the distribution of each prisoner. Part of those prisoners, my lord, were employed inside. There are so many in the wash-house and elsewhere.

2088. I ask you this general question then; in what mode are those prisoners employed?—The whole body?

2089. The whole body, speaking generally?—Quarrying stone, building fortifications, doing heavy

castings in the blacksmiths' shop, washing and mending clothes, &c.

2090. And household works?—And all sorts of household work, baking, cooking, &c.

2091. Are the inmates in this prison allocated in each ward in reference to the character of their occupations, or from what other considerations are they placed?—No, my lord; when they are first received every prisoner's trade is given in his penal record, but almost invariably it is fictitious. The great difficulty is to arrive at what the prisoner actually is. He will state that he is a blacksmith when he is a taylor, and perhaps a taylor when he is a blacksmith. The result is that we can only allot the men for work as we become acquainted with what they really are. That is one of the most difficult tasks in the prison. They come here stating that they are blacksmiths, tailors, &c., and seldom or ever do they prove what they represent themselves to be. It is therefore necessary that they should be sent on the public works first, and we find out then what work they are qualified for and according

Mr. G. Clifton.

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Mr. G. Gyles. as we arrive at that conclusion, so we they placed, men fit for quarrying are sent quarrying; men fit for blacksmiths are put in the blacksmiths' shop.

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2002. Then do I understand you to state that, in the absence of any special information, every man when he first comes here is put on the public works?—Except men who have been recommended by the medical officer as only fit for light labour; then these would be located inside, or only employed at light labour.

2003. What branches do you class under the head of light labour?—Sitting down breaking stones, taking carts about, for instance, supplying water. Light labour men would be employed in drawing these water carts, tailoring, &c.

2004. Then do I understand that in allocating any particular prisoners to any particular sort of employment, the medical officer's opinion would be taken?—The medical officer's opinion would be taken. On the arrival of a party of convicts at this prison the first thing that would be done is, each man is most carefully and minutely examined by the medical officer, stripped for that purpose, and passes a most careful examination. The medical officer then furnishes me with a return showing whether a prisoner is fit for the public works (hard labour), or for light labour; if for light labour I give orders for his being employed in light labour; if for hard labour he is sent on to the public works at once to do hard labour.

2005. Into how many halls is this prison divided?—Seven, exclusive of the punishment or separate cells and the penal class prison.

2006. The cells in these seven halls are of a similar character, are they not?—There are some slight differences. With regard to their measurement, my lord, some are not exactly the same size as others; some are a little larger, some a little smaller. I believe that the one you measured in E. north hall was rather narrower by an inch or two than the next cell; but they are all within a very trifling difference of each other.

2007. Are the halls appropriated specially in such a manner that any particular class of prisoners are classified according to any circumstance?—No, my lord, they are used for all prisoners irrespective of classification; but the Roman Catholic prisoners I try to locate in one hall by themselves, in order to obviate any difficulty that may arise in marching them to chapel of a morning in moving such an immense body of convicts, that the Roman Catholics may go to the Roman Catholic chapel, and the Protestants to the Protestant chapel without any difficulty.

2008. Out of the 1,382 prisoners at present in this prison, how many Roman Catholics have you?—309 Catholics, my lord, and 1,073 Protestants.

2009. You have, I think, a Roman Catholic chapel?—We have.

2100. In which, I believe, an altar, and ornaments, and proper fittings have been constructed, at considerable expense, by the prisoners of that communion?—They have, my lord.

2101. And you have also a Roman Catholic priest resident?—A Roman Catholic chaplain; he is called the visiting Roman Catholic priest.

2102. He resides at or near the prison?—Very near the prison, my lord; not any great distance from the prison.

2103. You have also, I think, a Protestant chaplain?—We have a Protestant chaplain, my lord.

2104. By whom the service of the Church of England is performed twice on Sundays?—Twice on Sundays, my lord.

2105. You have two chaplains attached to the prison?—Yes, my lord, chaplain and assistant chaplain.

2106. And also a Scripture reader, who works under the superintendence of the chaplain?—Under the superintendence of the chaplain.

2107. In addition to what are technically called halls, which I believe you describe, you have certain dark cells, have you not?—Yes, my lord; six at-

tached to the punishment prison, or separate cells, and two attached to the penal class prison.

2108. For what offences are prisoners placed in those dark cells?—For any gross insubordination, such as making use of violent or threatening language towards any officer from myself downwards to an assistant warder, for wilfully continuing to destroy prison property, and making use of violent language; but they are only used in extreme cases, and not for any ordinary punishment.

2109. What authority have you to place prisoners in those dark cells?—The Secretary of State's authority justifies me in awarding three days' bread-and-water diet, either in the light or dark cells.

2110. What power has a director as regards placing men in the dark cells?—I believe, my lord, 21 days, although I have never known it carried out to that extent by a director; but I believe that he has the power to do so. I myself have often awarded 21 days in the dark cells when I was a visiting magistrate to the convict establishment in Western Australia, and held the same position there as a director do here, I believe his powers are the same.

2111. Then you only give that answer as regards the director's power, on the assumption that it is the same here?—Yes, my lord.

2112. Is there nothing defined for the director?—The Secretary of State's regulations state that a director has the power of giving 28 days' bread and water in a light or dark cell; but I believe there has been some subsequent correspondence between the Secretary of State's office and the directors, which I think, but I do not know for a certainty, reduces it.

2113. Confine your attention to your own office, take the case of a complaint made before you as against a prisoner, that he has torn his clothes, what course would you pursue?—Supposing it was to occur at the present time on the works, the man would be simply passed in off the works, and he would be put into one of the separate cells till noon to-morrow, when I hear the reports. Then he is brought before me; the officer who saw the act would have to give evidence; the clothes would have to be produced to show that they were torn. After the evidence has been taken, I then ask the prisoner what he has to say in his defence. Whatever he says in his defence is taken down in writing. I then use my discretion as to what amount of punishment I award. That punishment would entirely depend on the man's antecedents, his general conduct, whether he had ever torn clothes before, whether it was merely done in a fit of passion, whether it was done in the view of showing a spirit of insubordination to his comrades around, which is very frequently the case. A convict often shows a willingness to take a punishment as long as he can excite others to do something desperate. All these matters I should consider before awarding punishment. If it was the first offence and merely done in the excitement of the moment, I should award a moderate punishment. If, on the other hand, I found he was determined to excite others to do something wrong and that it was maliciously done, I should then inflict a heavy punishment.

2114. Take a case in which there has been no such evidence as torn clothes would afford, but in which a man was stated by the officer to have refused to work, you would pursue the same course, I suppose?—A similar course, only of course giving the preference to the word of the officer against the convict in case the convict denied the charge.

2115. Should you in such a case as that examine any of the other prisoners that might have been near at the time of the alleged occurrence?—I never at the time examine another prisoner, because as a general rule they are all combined together. But if I had any doubt in the veracity of the officer's statement, without letting the prisoner know I might single out any man of the party, and have him brought before me at the time of the applications and say, "Did you observe anything while in your party to-day?" and thus give him indirectly an

Mr. G. Clayton.

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opportunity of stating if anything occurred; and very often in that way a prisoner's evidence will corroborate the evidence of the officer.

2116. Take a complaint made by a prisoner of ill-treatment on the part of a warden. What course should you pursue?—I would take his evidence, whatever it might be. I would then send for the officer and interrogate him most closely as to the allegation.

2117. The warden is not present during the time that a complaint is being made?—As a general rule the officer would be present. Sometimes in trafficking cases, a prisoner will make a complaint that an officer has received money for him. In a case of that sort one has to use secrecy to detect whether the money had been passed out, or if the prisoner had passed it out what proofs there were that he ever had it in his possession.

2118. In that case should you admit the evidence of the prisoner in corroboration?—Not as a general rule.

2119. Have there been instances in which you would admit the evidence of a prisoner?—There have been instances, but not as a general rule.

2120. Supposing a person to be in one of the dark cells of which we have recorded the dimensions, what diet would he have?—Bread and water generally, but sometimes he may be there on penal class diet for a day or two if while on that diet he created a noise in a light cell.

2121. Is that if it is ordered so by the medical officer?—No; it is a part of the punishment awarded by the governor. I may give a prisoner three days bread and water, and 10 days or 14 days penal class diet, or a prisoner not fit to undergo bread and water diet 14 to 25 days on penal class diet.

2122. Are they visited in these cells?—Frequently; every hour, my lord, day and night, and the officer is patrolling up and down the passages, so that if a prisoner makes any noise and is anxious to see the officer, he can communicate with him.

2123. That leads me to ask you what opportunity has a prisoner who is taken ill at night of making his case known?—There is always an officer on duty in the separate cells, and there is a bell in the cell fitted to each cell, which on being touched by a prisoner immediately throws out his number.

2124. Is that the case in all the cells?—In all the punishment cells it is.

2125. But in the ordinary cells is there such an arrangement?—In the ordinary cells there is a hole through which they put their broom.

2126. And the warden is supposed to be walking about all night?—Always walking about. He is visited every half hour during the night.

2127. I have no doubt that you will be kind enough to hand in the details?—I have a number of them ready for you. The visiting is every hour in the dark cells, but there is an officer patrolling backward and forward so that the prisoner may communicate with him, and he again by ringing a bell can communicate with the orderly officer, who can call the medical officer at all hours of the night.

2128. During the time that you have been here you have had under your charge certain prisoners convicted under the Treason-Felony Act?—I have, my lord.

2129. How many of such prisoners have you now?—I have 11 now.

2130. How many of them have you had since you were here?—It has varied at different times. At one time I think I must have had as many as 40 here nearly; just before they were sent out to Australia, but only for a day or two.

2131. Confusing your attention at present to the 11 treason-felony prisoners now here, did you at the time of receiving them get any special instructions in respect to them from the chairman of the board of directors?—I did not, my lord, the day they were received, and it was in consequence of my not having received any instructions with them that I took upon myself to solicit instructions forthwith.

2132. Will you just state to the Commission the cells which you alluded to them. Were they placed in the ordinary cells?—In the ordinary cells. In D hall which you have visited.

2133. At what employment were they put?—They were employed washing.

2134. They were not, then, in the first instance employed, as I think I understood you to say, as prisoners generally would be on the public works at first?—They were not, my lord.

2135. How long did they remain in the wash-house?—Only a day or two. I think it was five days, but that I could refer to and ascertain immediately, my lord.

2136. Then was it in consequence of instructions given to you that they were placed on the ordinary public works?—I then received instructions to treat them as ordinary prisoners, that is to say, that they were to be sent on to other public works; but they were to be located by themselves, and they were to be worked in a party separate by themselves, and they were so.

2137. Did you act on those instructions as soon as you received them?—I did forthwith.

2138. And has that continued to be the case to the present time?—It has continued, with the exception of a day or two, my lord, when there was a great spirit of insubordination shown by them, and at the same time I was hourly expecting a mutiny amongst the other prisoners here. There had been an increase of diet given to the convicts at Chatham which was not extended to this prison, it became known amongst the prisoners, and a very turbulent spirit was shown. At the very time that this exhibition of a turbulent spirit was taking place information indirectly came to me that the treason-felony prisoners were going to assist in the mutiny, and I believe that it was on that occasion that for a day or two, on my request to the visiting director, two of the treason-felony prisoners were removed out of the party as they, I thought, were leading the other men astray.

2139. Who were they?—O'Donovan Rossa was one of them, and I think O'Connor the other. That was four or five years ago, I think.

2140. You think it was four or five years ago?—It was very shortly after their arrival here, my lord.

2141. And at what work were these two put?—The same work as they were doing before, only they were separated from the others.

2142. They were separated from persons suffering under the same sentence as themselves?—Exactly, my lord; but I found from the information I got in the party that they were doing more harm there than they were amongst themselves, I therefore put them back into their own party again.

2143. I believe you then or subsequently moved them from the ordinary cells to the penal class cells?—I did, my lord.

2144. Why was that done?—It was, I believe, entirely on my own recommendation, as the cells were larger and affording better ventilation for them, as they had complained of want of ventilation in those in which they had been located, and as it was just at the time when the disturbances referred to were taking place, I looked on it as a more secure position.

2145. In point of fact are the penal class cells larger than the ordinary cells from which they had been removed?—Much larger, my lord. The ordinary cells throughout the prison, taking them all—with one or two exceptions, are a little larger or a little smaller—they are seven by seven by four feet, and the cubic contents are 196 feet. In the separate cells they are 10 by 4 feet 4 inches, and 7 feet 6 inches high, and the cubic contents of air 325 feet. In the penal class prison they are 10 feet long 6 feet 6 inches wide and 8 feet 8 inches high to the top of the arch, and they contain 366 cubic feet of air.

2146. Is it in the cells which you mentioned thirdly, with the exception of a short period at the commencement of their confinement, in which the treason-felony prisoners have been placed?—They have, my lord.

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2147. Will you hand in a statement, if you please, of the dimensions of the three classes of cells to which you refer?—I will, my lord. (*Witness hands in the statement.*)

2148. Then am I correct in supposing that, with the exception of a short period upon their first coming here, the cells occupied by the treason-felony convicts have been superior in accommodation to those occupied by a large portion and probably the great majority of the other prisoners?—Exactly, my lord; and as they did not like the change of sleeping out of hammocks I recommended the director of this prison that they should be allowed a second mattress, instead of one, and from the time of their location there they have been allowed a second mattress, instead of one.

2149. Will you describe the bed clothes of an ordinary prisoner?—Mattress, pillow, two blankets, a rug, and a pair of sheets.

2150. Is it the same at all times of the year?—In excessively cold weather, or on medical recommendation, an additional blanket has been issued to the prisoners.

2151. Of what material is the mattress or the mattress pillow made?—Horsehair, my lord.

2152. Both?—Both.

2153. With regard to the bedding furnished to the treason-felony prisoners, will you state what it is?—I believe, my lord, that they have had an excess of it, because I gave an order that where they were suffering from cold they should have an additional blanket.

2154. To whom had that order been addressed?—To the officer in charge of the prisoners.

2155. Do you believe that that order was carried out?—They have never made any complaint of suffering from cold.

2156. And with the exception to which you have just referred, with regard to the 11 prisoners whose cases we have more immediately to inquire into, is it the fact that they have been employed ordinarily on the public works, and that they have the cellular accommodation which you now describe?—They have, my lord.

2157. You stated to us the course which you would pursue in reference to a complaint made by a warder against a prisoner, and by a prisoner also against a warder. Beyond your decision, what opportunity of appeal is there afforded to either?—If a prisoner in either case feels himself in the slightest degree aggrieved, he asks me to record his name to see the visiting director at his next visit. On that occasion he is brought before the visiting director, who generally very minutely goes into the evidence in the case.

2158. In inquiring into the case, would he do it on the complaint of the prisoner in the presence of the warder in person charged?—He would.

2159. Would the visiting director receive the evidence of another prisoner in charge where it is borne out by collateral evidence?—I do not think he would ever directly take the evidence of one prisoner to support another.

2160. Beyond the visiting director, does any opportunity of appeal exist?—He has the power of petitioning the Secretary of State once a year, and of asking the director to allow him to write a statement to be submitted to the whole board if he does not think he has got justice from the director.

2161. The director visits monthly?—He visits monthly.

2162. Does he see every person when he comes?—He generally goes on the works and sees them all march in or out of the prison.

2163. What opportunity would a prisoner have to represent to the director his desire to appeal to the Secretary of State?—I will give an instance. He was here three or four days ago—there were 109 convicts to see him—they had entered their names to see him—they were kept in that day until his arrival, and each man was brought separately before him.

2164. Had those 109 men their names down on a

state?—They had applied to me that they wished to see the director. I merely put a cross against a prisoner's name when he applies to me and it is entered in the director's book, so that when he comes there is a list of the men to see him.

2165. Is it your practice to see every prisoner daily?—Every prisoner daily; that is to say, I see him on parade daily. The prisoners in confinement, in separate cells, penal class prison, and the infirmary, I visit daily; and on Sundays I walk up and down the ranks when the convicts are drawn up on parade, and see every individual prisoner.

2166. Would a prisoner then have an opportunity of attracting your attention as you pass along the ranks, and of addressing you?—Sometimes they do so, but very rarely.

2167. They would have an opportunity of doing so?—They would have an opportunity of doing so, my lord.

2168. Is it your belief that in every case in which a prisoner wishes to address you he has a fair and a full opportunity of so doing?—I think so, my lord. I think so as far as I am able to ascertain.

2169. Does the fact that the prisoner has such an opportunity appear in any written or printed statement which is read to the prisoner at any time?—It is one of the established maxims in the service, and it is likewise known that they have the right. I think there is one clause in the old rules which provides for it.

2170. Is it the fact that the prisoner's knowledge of the opportunity of making a complaint, supposing he thinks himself aggrieved, is derived rather from communications amongst themselves with respect to the system of the prison, than from any official or formal information?—I think it mixes from a knowledge imparted to them at the time they are in separate confinement, the rules at the separate prisons differ from those in public works prisons, and I believe there is a clause in them informing the prisoner that during his sentence he has a right at all times to ask to see the governor or a director.

2171. Is he at all aware, or if so, how is he made aware, that he may appeal in a case of the kind to the Secretary of State?—They are informed that they have a right to petition once in 12 months.

2172. By whom are they so informed?—They are informed in the general instructions.

2173. Is it read to them?—It is I believe merely handed down as it were from time immemorial that they have a right to do so. You will find men who only come here to-day who will put their names down to-morrow to see me and ask me to be allowed to petition the Secretary of State.

2174. But there is no formal information given them that they have the power of doing so?—There is no formal information in the rules, beyond what is communicated by the officer in charge of the hall. The officer in charge of a hall is bound to make known to the prisoners any rules or regulations appertaining to them; and the principal warder in charge of the hall, when a new man comes, would tell him what rule was in operation, and that when he wished to see the governor he would have to give his name to the warder in charge of his landing.

2175. Have you instructed the warders to do that?—No, my lord; those things are thoroughly ventilated through the prison by the principal warder in charge of the halls.

2176. Are the applications which are made by the prisoners to either the warder or to you recorded in any book?—Yes, my lord.

2177. Are you prepared to produce them?—I am prepared to produce them.

2178. We should be glad that you will be kind enough to give us unauthenticated copies of all the entries in that book recording any applications made by the treason-felony prisoners who are at present under your charge?—That will take a very long time, my lord. It will all oblige.

2179. Have the applications made by them been so

very numerous?—I do not think they have been more numerous than in the case of the ordinary prisoners, my lord; but here is the form of book.

2180. Take George Brown?—I should have to refer back to the date, and then look into one of those volumes for it.

2181. What is the name of that book?—The Governor's Application Book. There is the date, the name, the character of the work, the class is not filled in, and the purport of the application.

2182. And the result?—It is recorded there. I make a note there; that is immediately entered in the visiting director's book, if it has reference to any matter for his consideration, and noted in red ink by the clerk.

2183. Then that application is made known to the visiting director?—Then, when the visiting director comes, this book is brought in, my lord, with all the men's names entered in it.

2184. Will you just read that application?—"Part-
" had, 3d July 1866. Regarding the writ of error,
" Mulcahy wants to see his solicitor specially; wants
" private books to study medicine; sent up for
" authority; cannot be granted to him more than any
" other prisoner."

2185. Did you enter that application for books to study medicine?—Yes.

2186. (Mr. Broadrick.) Did that answer also refer to his application to see a solicitor?—"Send up for authority;" that is sent up to know if he is to see a solicitor. The answer was, "Cannot be granted."

2187. What was the result of Mulcahy's application to see a solicitor. Does that answer refer to both applications?—No; not to that about his having private books to study medicine, because upon that the director immediately ordered, "Cannot be granted."

2188. (Chairman.) Is the result of the application to the Secretary of State noted in that book?—Not in this book.

2189. Can you say what the result of that application was?—I think in that case that he was allowed to apply to his lawyer; he was allowed to communicate with a lawyer.

2190. Does that book record every application made by the prisoners?—Every application made by the prisoners.

2191. With the result?—With the result.

2192. Have you a book recording the reports made against prisoners?—Yes, my lord; they are on printed forms, and the whole of the evidence is taken.

2193. Does that book record the name of the prisoner?—It does.

2194. The particulars of the report made against him?—It does.

2195. A statement showing the information on which the complaint rested?—It does.

2196. The punishment awarded?—It does.

2197. Verified by the initials of the governor who decided the case?—Yes, my lord; and in order that the director should have an opportunity of seeing that the governor does not inflict unjust punishments, the whole of these reports are sent up weekly to the director's office and verified by him. Sometimes the director will think I have dealt too leniently or too severely with a case, and will say so.

2198. (Dr. Greenhouse.) What are those pencil marks that I see here in the governor's interview book?—It was coming into operation at the time. It was taken at the time for me to see and keep the men in. Every report is copied off that sheet on the penal record which accompanies every prisoner from prison to prison, so that the award for every offence that he has committed is known, and it follows him through the prisons.

2199. (Chairman.) Would you read one of the complaints, so as to give us a specimen?—I will give you a specimen: 3388, Thomas Clarke Laby. He was convicted on the 1st December 1865 for 20 years. Warden—reports this prisoner for [insert report], but I am unable to state his exact words; he was very much excited; the prisoner was then asked for

his defence and admitted the charge, and added, "That has been going on for weeks; it was well known I believe that this simply results from serious indications of public opinion, as public opinion has undergone a reaction unfavourable to us. That governor Clifton always treats us with consideration when public opinion is, or seems to be, in our favour, but whenever otherwise he seizes with malignant avidity the opportunity of recommending a punishment."

2200. (Mr. Broadrick.) Was that sent before the director?—It was taken before me. He was referring to other evidence given that there was some trafficking going on. I mention this as he is a treason-felony prisoner.

2201. (Chairman.) What was the result?—I thought his defence so highly impertinent to wards myself, that before dealing with the case I sent the report to the director of this prison, and he told me to act entirely on my own discretion; and in the meantime Laby having expressed his regret at the use of such violent language I did not subject him to any other punishment but the forfeiture of marks.

2202. You were informed I think of the appointment of this Commission?—I was, my lord.

2203. And you received a communication, I believe, indicating the course that it was wished you should take with reference to these treason-felony convicts under your charge, with a view to the holding of this Commission of Inquiry?—I did, my lord.

2204. Will you be good enough to state what that intimation was, and what you did in consequence?—I received from the secretary of this Commission, my lord, this circular as to what you intended doing.

2205. That circular you had better hand in?—Yes, my lord. (*Efficient hands in the document.*)

2206. You received from the directors of convict prisons, I believe, a letter addressed to them by the secretary of this commission?—I did, my lord.

2207. What was that letter?—This is it, my lord:

"Office of Directors of Convict Prisons,
" Sir,
" 2d June 1870.

"I am directed by the chairman to forward to you a copy of a letter which he has received from the secretary of the Commissioners to enquire into the treatment of treason-felony prisoners in English prisons, and to request that the wish of the Commissioners therein contained may be carried out, and that you will carry out the desire expressed in the sixth paragraph from the time of commencing to the prisoners concerned on the subject of the inquiry, which will be three clear days before their visit, as referred to in the first paragraph.

"I am, sir, your obedient servant,
"FREDERICK PALMER,
"for Secretary.

"To the Governor, Portland Prison."

That letter was accompanied by this copy:

"Sir,
" 3, Parliament Street,
" 1st June 1870.

"I am directed by the Commissioners for inquiring into the treatment of treason-felony prisoners in English prisons to request that you will be good enough to inform the governors of the several prisons in which any of these prisoners are now confined, that the Commissioners would wish each prisoner to receive three clear days' notice of their intention to visit the prison, and to be told at the same time that he will have an opportunity afforded him of making to them any statement he may wish relating to the subject of their enquiry, namely:

"(2.) Whether there is anything in the treatment, diet, or discipline of the convict prisons to justify any change of unnecessary severity or harshness towards the prisoners confined therein, or of the neglect of the conditions necessary for the due preservation of the health of the prisoners.

"(3.) Whether the treason-felony prisoners have been subjected to any exceptional treatment in any

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way, or have suffered hardships beyond those incident to the condition of a prisoner sentenced to penal servitude.

"(4.) I am directed further to say, that the Commissioners would wish each prisoner to be provided with writing materials at the time of receiving this notice, in order that, if he thought fit, he might draw up a statement in writing of any fact relating to the inquiry which he might wish to submit to the Commissioners.

"(5.) It should at the same time be explained to him that such statement must be strictly limited to the subject of the inquiry, and must refer only to the facts within the knowledge of the prisoner.

"(6.) I am further to inform you that the Commissioners think it desirable, if the prison regulations will admit of it, that the treason-felony prisoners should be allowed respite from their ordinary employments for one or more days in order that they may have full time and opportunity for preparing their statements, and also that every precaution should be taken to prevent them from communicating with each other on the subject of the inquiry, or showing their written statements to each other.

"(7.) In conclusion I beg to inform you that, as at present arranged, the Commissioners will visit Dartmoor on the 9th inst., and Portland on the 10th inst.

"I am, dear sir, your obedient servant,

"W. BRIDGMAN OLLIVANT.

"Captain Du Cane,

"44, Parliament Street."

On the Wednesday morning, my lord, which would have given them the three clear days as you proposed, being here on Saturday I went over to the penal class cells in which the prisoners were located, and had each one of the treason-felony prisoners brought before me in the room in which I hear the reports, and I told them that the Commissioners were about to inquire into their cases, and I read to them this paper, which contains portions of the Commissioners' instructions, necessary to be made known to the treason-felony prisoners, each one being informed separately:—"You will have an opportunity afforded to you of making to the Commissioners on the 11th instant any statement you may wish relative to the following matters, viz., treatment, diet, or discipline, whether the treason-felony prisoners have been subjected to any exceptional treatment in any way, or have suffered any hardship beyond those incident to the condition of a prisoner sentenced to penal servitude. You will be provided with writing materials to draw up any written statement relative to those matters, which will be submitted to the Commissioners; three clear days will be allowed you for this purpose; such statement must be strictly limited to those matters, and must refer only to facts within the knowledge of the prisoner." I then tendered to them paper, and with the exception of one they declined to receive any.

2208. Who was the one who did not decline?—William Mackay, No. 7022. He took a sheet of foolscap paper, but he stated at the same time that "at present he had no intention of making any statement to the Commissioners." I took down forthwith what each of them said, my lord.

2209. What did George Brown say?—This prisoner declined to take the paper I offered to him, saying, "I do not want to say anything;" wants nothing to do with it.

2210. What did Patrick Doran say?—This prisoner declined to take the paper I offered to him, saying he would think the matter over.

2211. What order did you take them in?—Just as they are down here, my lord. (*Exhibiting a paper.*)

2212. Accidentally?—Accidentally: just as they came in.

2213. Did Luby make any statement?—Yes, my lord.

2214. What did he say when you offered him the paper?—He asked me first who were the Commis-

sioners. I said that I was not in a position to tell him; that I only knew the names of the chairman and the secretary. I named yourself, my lord, and the secretary, and I said that I believed there were some Irish and English gentlemen on it, some of them medical men, and then, my lord, the prisoner declined to receive any paper, saying that he did not think he would trouble them, that the result of the former Commission gives but little confidence in this one. He then asked if the Earl of Devon was the same nobleman who was on the Land Commission in Ireland. I said, "I believe he is the same nobleman;" when the prisoner replied that Dan O'Connell said at the time it was like a jury of butchers trying a sheep, and then he went on to say, "I made out Mr. Maguire's name in my letter, although you had tried to obliterate it."

2215. Did William Mackay make any statement?

—William Mackay took a sheet of foolscap paper, saying at the same time that at present he had no intention of making any statement to the Commissioners.

2216. Did John O'Leary make any statement?—

This prisoner asked who were the Commissioners. I informed him that I did not know all their names, but mentioned the chairman's and secretary's. He declined to receive any paper, saying that they might have spared themselves all the trouble as he did not intend to make any statement.

2217. Did Michael Shuckey make any statement?—

This prisoner declined to receive any paper and stated that while in British penit he will make no statement: "I have been treated badly and I have plenty of complaints to make; Dr. Blaker knows the state of my health. If there are Irishmen coming over to sit on the Commission they are in the pay of the British Government."

2218. Did Mortimer Shea, alias Moriarty, make any statement?—This prisoner declined to receive any paper, saying that he did not wish to have any connexion with the Commission. He then asked who had appointed the Commission. I replied, "the Government," and then he said, "I do not think that I shall trouble them."

2219. Did Edward St. Clair make any statement?—

This prisoner declined to receive any paper, saying that he did not wish to have any connexion with the Commission.

2220. Did Peter Mohan make any statement?—

This prisoner declined to receive any paper. He then put the same question as Shea and I gave him the same reply, upon which he stated, "That was all the same: I decline to see them."

2221. Did John McCafferty say anything?—

McCafferty—this prisoner declined to receive any paper or to make any statement, until he goes outside, when he will do it upon oath. He further stated that he would not go before the Commission unless by force. He said he did not wish to appear unless compelled to appear before them. He subsequently took a sheet of paper and wrote a statement which I handed to you.

2222. Patrick Downe, what did he say?—This

prisoner declined to take the paper offered to him, saying he would think the matter over. I visited these prisoners, my lord, every day, and asked them whether I could assist them in any way, and I told them that whatever they did write they could send up in my presence and I would hand it to the chairman without its being seen by any human being.

2223. Did Patrick Walsh make any statement?—

This prisoner declined to take any paper, and when informed that he would not be sent out to work during the three days said, "I wish they were going to my way." He then asked who were the Commissioners. I replied that I did not know all their names, but informed him who was the chairman and the secretary. He then said that they had made out in a letter to Luby that Mr. Maguire was on the Commission, and asked if such was the case. I replied that I did not know whether he was or not, but I believed that some of the gentlemen were Irishmen. To which he

replied, "If they are my countrymen, they are humpbacks."

2224. I believe you subsequently received two written papers with the intention on the parts of the writers that they should be submitted to the Commission, one from McCafferty and the other from Moriarty?—I have my lord.

2225. Have you handed them in?—I have, my lord.

2226. When you placed them in the hands of the Commission, were they in the same state as they were when you received them from the prisoners?—Exactly, my lord. I received one myself this morning, and being quite unable to get upstairs, I sent up Deputy Governor Captain G. Salter for it and it was handed to me in the same condition.

2227. At the time that you asked the prisoners those questions, to which they gave the replies that you have now stated, were they singly brought before you?—They were, my lord.

2228. The others not being present?—Not being present; separately.

2229. Then each one gave the answer separately?—Each one gave his answer separately.

2230. Did you at the time of your conversation with each prisoner, separately or subsequently to that, take down what the prisoner said?—Envisaging that they would each of them have something to say, I had my chief clerk present, my lord, and my second first class clerk. I asked them to take down as shortly as they could what each prisoner said to me, and this is a copy of their notes. (*Hands in a document*.)

2231. From your recollection of what was said at those interviews, do you believe that to be a correct representation of what each prisoner said?—If not verbatim, entirely the same; but almost in every instance word for word.

2232. (*Dr. Greenhow.*) Have you a book called the governor's medical reference book?—I have not.

2233. Have you a book in which you refer certain questions to the medical officer for his report?—I have not that book. Whenever a prisoner refers to me on a matter, I take the trouble to see the doctor personally.

2234. Is there no written medical report in such cases. It is a verbal one?—Not a book.

2235. Then you are unable to give us any written reports from the doctor in reference to the applications of any of the prisoners for different work or different food?—No, in cases of different work or different food, I write in the application book, "referred to the medical officer," in my ordinary prisoner's application book. If a prisoner makes an application to change his work in consequence of his not being strong enough, I say "Referred to the medical officer," and [that is copied and sent to him, and if he makes a recommendation to remove the prisoner it is carried out, and if not it is in his power to say it is not necessary.

2236. Does he make a return in writing?—Sometimes in writing and sometimes not.

2237. Are there case books or case sheets kept in the infirmary here?—There are.

2238. Can we have copies of the case books or case sheets which refer to the several prisoners to which our inquiry extends; namely, the 11 mentioned to-day?—I think the whole of that information are to go from the medical officer in the hospital.

2239. Has each prisoner here his own clothing?—Not entirely set apart for himself.

2240. That is when the clothing comes from the washing he gets it by chance?—A man never gets back the same thing from the wash-house.

2241. Never?—Hardly ever, because there are a number of things to be washed; if he hands in a shirt he will get a shirt, but it will not be the same.

2242. With regard to the outer garments, when a prisoner goes away, what becomes of them?—They are sent to the store and assigned to another prisoner.

2243. Do they undergo cleansing?—They are always cleaned.

2244. In what way are the flannel jackets cleaned?—Washed and aired; those that are not washed are ventilated.

2245. Is there a periodical medical inspection of the prisoners?—The medical officer here does not make a naked inspection of the whole body of the prisoners. He carefully examines them when they come, making notes as to any signs of disease about them. On the Sunday morning he accompanies me on parade, and he then sees every individual man, and if he sees a man who is falling in breath or so, he will request me to let that man fall out of the ranks and send him to the hospital, where he will be examined.

2246. Is there any searching of the prisoners asked?—There is.

2247. How often does that take place?—One party is searched every day.

2248. Describe in what the search consists?—The prisoners are marched into the bath room, they are stripped in the bath, and the officers then see each one separately.

2249. How do they see them: do they look into their mouths?—They look into their mouths; make them lift up their tongues, and make them bend down so that if anything is in the anus it may be ejected in the act of bending.

2250. What are the floors of the cells here made of?—In some halls they are made of wood: in others they are made of slate.

2251. Where are the wooden floored cells?—A, B, C, and D, these four halls, except on the ground floor in D and C. The cells in F N, F S, and E hall have slate floors.

2252. Have the treason-felony prisoners been in cells with slate floors or with wooden floors?—When they were located in D hall, the floors were Portland stone; they were first located there.

2253. Have they never been in cells with wooden floors?—They have been all the time located in cells with wooden floors, except during the time they were in D hall. The floors in the penitentiary cells are all wooden floors.

2254. Do the prisoners polish their tin vessels every morning before going out to work?—They do.

2255. What material are they supplied with to polish them?—Some white dust screened here for the purpose, and cleaning rags.

2256. How many cleaning rags has each prisoner?—That entirely rests with the officer in the hall, as many as he thinks necessary for wiping and cleansing.

2257. Is it true that one piece competes what he has to cleanse his drinking vessel and his tin?—He has always sufficient to save some for back.

2258. There is no chance you think of his having to cleanse his drinking vessel with the same piece which he has cleansed his tin?—Generally they wipe their drinking vessel with a towel. Each man has a towel hanging up in the cell and a can of water.

2259. Is there any restriction with regard to visiting the privies?—The only restriction is—well I don't know, I can't say that there is any restriction. There is no actual; if a prisoner unnecessarily uses his urinal during the night he would be reported for the fact and brought before me. I should refer the matter to the medical officer, whether he was under medical treatment, or if there was anything in his case which justified his using his urinal in the night time. If the medical officer was of opinion that it was necessary to use it, the case against the man would be dismissed. But it is a very common practice amongst prisoners to try to annoy their comrades by instantly using their urinal on entering their cells, and sticking it alongside their companions; and every possible means are resorted to prevent their making the halls in an unpleasant state of smell. When I come here 100 or 120 in a night would use the urinal. I then told them that if they used them unnecessarily they would be punished. The result is that it has fallen off to one or two and sometimes not one in the night. Sometimes there is a necessity for it, but if we can find out that it is

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Mr. G. Olyn. does only as a matter of annoyance, the prisoner is punished.

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2260. How often in the day are the men allowed to see the privies in the works?—They go whenever they require it.

2261. I understood you to say that they were allowed to go twice a day?—Twice a day is the number if they are in good health; that does not include going to the urinal. But if a man is suffering from diarrhoea he would be allowed more frequently, a dozen times, or admitted into the hospital. The great thing is to prevent the prisoners screaming. Frequently men are caught sitting on the seats buttoned up, simply to avoid their work, keeping men away who really want to go there. It is a man of that sort who is reported and punished.

2262. Are the prisoners supposed to speak to one another whilst at work or not?—They are supposed not to speak, except merely about their work.

2263. But do they practically speak?—I do not mean to say that any kind of supervision would altogether prevent talking, but as little talking as possible is permitted.

2264. Has there been any special restriction with regard to the treason-felony prisoners in respect of speaking?—None whatever that I know of. When they first come here I understood that they were to be treated as ordinary newly received prisoners, and that rule was put in operation, but it has long ceased, and they have not been punished for talking for a long time, also for not working.

2265. If the men do not keep their ties clean would they be punished?—They would.

2266. What punishment would they receive for it?—That entirely depends on whether it was the first or second one of its occurrence. In the first instance they would probably be admonished; the second would be a forfeiture of 42 marks, and if it was found that that would not have the desired effect they would get bread and water.

2267. Are the prisoners expected to salute the officers here?—No, they are supposed to salute the superior officers. For instance, when going around the cells of a day, if a man is lying down he stands up "attention" and salutes, but only when he is visited by the medical officer, the chaplain, the priest, and the governor, or deputy governor.

2268. Supposing a prisoner did not salute the doctors, what would be the result?—He would be reported.

2269. And what would be the result of that?—In the first instance he would be admonished, and it would be pointed out to him that such conduct was setting a bad example, and if he persisted he would be punished by bread and water, or some other means for enforcing discipline.

2270. You tell of a certain number of prisoners as orderlies?—Yes.

2271. What have they to do?—Clean the privies, carry water inside and put it at the prisoners' doors, clean and wash the steps leading from the landings.

2272. Are they expected to clean the privies?—They take it by turns, and wash them out.

2273. How are the privies in the works outside cleaned?—Once a week, two prisoners belonging to the party empty them at a spot where the manure is subsequently carted away by the contractor.

2274. Then they only clean their own privies?—Each party cleans its own privies, and the officer has any positive injunctions always to be fair and upright, and go right through the party, taking two men this week, two others next week, and so on in turn.

2275. How often may prisoners receive and send letters?—That depends on their classification. When they arrive to the prison they are entitled to write a letter to let their friends know that they are transferred, and hope they are well. This is a matter of a few lines. Each of the prisoners is asked when he comes if he wishes to write a reception letter, but if he does not elect to write it, and he misconducts

himself, he forfeits the privilege of writing till he is two months free of report.

2276. How often may he write afterwards?—After that, when he gets into third class he may write once in six months, when he gets into second class he can write once in four months, and when he gets into first class he has the privilege of writing once in three months, and when he gets into special class, which is the highest class, he can write to his friends once in two months.

2277. Have those rules been applied to the treason-felony convicts?—Not from the first inasmuch as the directors have always granted to the treason-felony convicts the privilege of writing special letters.

2278. Then in point of fact they have in that respect been specially favoured?—They have been specially favoured in that manner.

2279. Have they been specially favoured also in regard to seeing their friends?—It runs with the prisoner to invite his friends to see him, not with the friends to come here. If a prisoner wants to see his friends he puts his name down and asks me to send a visiting order. I had better hand you one of the orders.

2280. If you please?—(*Witness hands it so.*) As soon as the prisoner has made the request I see that one of those forms is filled in and sent to the individual asked to be seen.

2281. Have the treason-felony prisoners had more or fewer of these visits than other prisoners?—I think fewer, as they have asked less frequently than others to see their friends on account of the distance.

2282. You told Lord Devon that when prisoners are received the doctor examines them and determines whether they are fit for light or hard labour; is that so?—That is so.

2283. Does he send you a written report, or is it merely a verbal statement?—A verbal statement. It is sent to me and I see the prisoners that are told off for the public works, and those that are pointed out for light labour. I see them the following morning when over parties are received here. I always address a few words of advice to them. I do not think I have ever failed; and I am then shown by the chief warder those passed by the medical officer for light work, and those for hard labour. I give the necessary order then. He enters it in his book, which he makes known to the chief warder.

2284. That is he takes down from word of mouth of the medical officer respecting what each prisoner is intended to do?—I think he also sees the medical officer's book.

2285. Then the medical officer keeps a book?—Yes.

2286. Where are the clothes, sheets, blankets, and other articles that are used in the infirmary washed?—They are washed in the wash-house, but separately; not mixed with the others.

2287. How are they kept separate?—By putting them down at one end of the wash-house.

2288. And when sent to the wash-house are they at once proceeded with or are they kept a day or more before they are washed?—They may be kept for a day or so. Where there has been any disease or anything unusual the matter with a prisoner, the medical officer would make a special note and his clothing would be destroyed or washed separately; but merely ordinary dirty linen would be sent down to the wash-house, and kept until the time comes to wash them with the others.

2289. Are they counted over before being washed?—They are carefully.

2290. Who counts them?—The officer in charge of the wash-house.

2291. Who handles them?—The officer stands by when the bag is opened and a prisoner counts them out.

2292. (*Mr. Bradbick.*) When did Mortimer Shor or Mortimer apply for the paper on which he has written the statement that we have received?—I think it was the second day; but every time I went to him he said he would not. But I left word with the officer

whom I had placed specially in charge of the treason-felony prisoners, that if at any time in the day they asked for paper it should be handed in to them.

2293. Did any of the prisoners ask you whether in the event of their making a written statement they should still be able to make an oral statement?—Yes, they have asked me since whether they would have an opportunity of making a *verbal* statement. I said I was not prepared to say what course the Commission would pursue; that I was not aware.

2294. Do you believe that many or any of them were under the impression that by making a written statement they would forfeit their right to make an oral statement?—No, I do not think so.

2295. You have no reason to believe it?—Have no reason to believe it, for they did not hint at such a thing.

2296. You did not distinctly inform them of it then?—No, I did not. I said I presumed that they would have an opportunity of coming before the Commissioners, but I was not in a position to say positively.

2297. Do you remember the visit of Messrs. Knox and Pollock?—Perfectly.

2298. And may we take the statements made by you before them and which we have had an opportunity of seeing, as representing the fact so far as they were within your knowledge at that time?—I believe perfectly.

2299. Has there been since that time any difference in the treatment of the treason-felony convicts?—They have been very much more leniently dealt with, extraordinarily leniently.

2300. In what respect has that difference been made. Can you specify any privileges which have been enjoyed, any special privileges which have been enjoyed by them, either from the first, or since the date of Messrs. Knox and Pollock's visit. You have mentioned letters already?—From the very first they professed their inability to undertake the hard work that they were set to; but they were never worked to the extent the ordinary convicts were, and of late they have literally done no work at all. No work at all. Here, for instance, in the month of February, I take Thomas Clarke Luby: he never had a tool in his hand; no, never.

2301. How did that happen?—Simply that he expressed his determination not to do any work; that he would not do any. I have tried to use my influence with him; pointed out to him how improper his conduct was, and the bad example he was setting to the 1,500 around him.

2302. May I ask you why you did not employ compulsion?—Well, I had been recommended not to treat these men with any degree of severity, that I was to try and point out to them the impropriety of their conduct, and to lead them to do what was right. I have no written instructions on the matter.

2303. Do I understand you to say that they were marched out to work and did nothing when they arrived at the place of work?—They did nothing whatever; simply kept in company, walking about, or standing at their stones doing nothing. If I happened to pass by they would take up a tool, but from the return kept by the officer, which I have had carefully kept, it is a month since Luby did anything. He was in the infirmary with a bad leg on his hand. Michael Sheehy, none; he was one day in the infirmary. P. Mohan, very little. They have entirely set me at defiance with regard to work and talking.

2304. Did you instruct the warders in charge of them to overlook their idleness?—I cannot say that I instructed them to overlook their idleness, but I told them to notify to me constantly whether they did work or not, and leave it in the hands of the superior officer as to whether punishment was to be inflicted or not. I did not lead him to believe that they were to be allowed to do this with impunity, but that the matter was to be referred to the governor of the prison, and that it would fall on my shoulders if I did not make them work.

2305. How that state of things continued up to the present time?—It has with some of them. With some they have gone on differently. If you would just look at that return you will observe there that some of them have done fairly with regard to work, and others have not.

2306. (*Dr. Lyons.*) Within what dates is that?—That is from the 1st of February to the present time. It is from the 1st of the year that they have become so very independent as to work.

2307. (*Mr. Broadrick.*) Have reports been made by you against them on account of their refusal to work?—Yes, there have been reports. In fact that report against Luby occurred about their not working, and when I was left to use my own discretion, I imposed merely a trifling punishment instead of a severe one.

2308. But where reports have been made to you of a treason-felony convict refusing to work, and where the refusal was not complicated by insolence on his part, how have you dealt with the report?—I have spoken to the prisoner myself and told him that it could not be allowed that he should continue to idle away his time, and that if he did not work I should then be compelled to report the circumstance to the director; and I have mentioned the fact to the director, that they state their inability to work; that they have not the physical strength.

2309. And did they request to see the medical officer?—Yes, they often see the medical officer. I believe that the medical officer is of opinion that they are fit to work, the great majority of them. It simply comes to this gentleman, that if I was to attempt to coerce them to work, or to stop them from talking, I should have had the treason-felony prisoners in the cells from the 1st January up to the present day, for they have distinctly told me that they will not work and that they will talk, and they told the director the same.

2310. Have you ever threatened of late to break up the party?—Not for the past two years.

2311. Would not that have been an official means of stopping this refusal to work?—I think there were more grave matters than the refusal to work to take into account in answering that question; that there are a large number, I have no hesitation in saying, of men that I believe sympathise with these men here.

2312. Do you mean amongst the convicts?—Amongst the convicts. I believe that their distribution amongst the convicts might have been of serious consequence, for I am led to believe that in cases of trafficking the ordinary prisoners have been implicated with them, and as I also have the Manchester men here, if they were distributed it would not only place me in an awkward position, but endanger their safe custody.

2313. (*Dr. Lyons.*) Who are the Manchester men that you mention?—The men sentenced for life for the murder of Brett.

2314. (*Mr. Broadrick.*) I presume that you have in this prison other prisoners belonging to the educated classes as they are called?—I have.

2315. Such as lawyers, physicians, and perhaps clergy?—I have even an M.P.

2316. Are they in any way treated differently from other convicts?—Not the slightest exception. The only way in which I could maintain my position of governor of this prison is by endeavouring to mete out justice to all and not to recognise any man from his former position, and there is not the slightest difference whatever made.

2317. Then you have never formed such persons into a separate working party?—Never.

2318. I think you stated that the rule of silence as the public works was formerly enforced against the treason-felony prisoners?—It was endeavored to be enforced. It was never strictly accomplished, but some of the treason-felony convicts were reported during the first months they were here, for breaking that rule.

2319. Do I understand you to say that now they are virtually permitted to talk freely?—Well, I must

Mr. G. Clayton.
19 June 1870.

26. G. C. O'Connell.
12 June 1879.

say they are virtually so. They are virtually permitted to do so now from the mere fact of the impossibility of preventing them, the alternative is that they must either be confined under punishment, or be allowed to talk.

2320. So that if they had continued working in the open air, or not working in the open air, it would have been possible for them to have conversed with respect to the objects of this Commission?—It would. In fact I believe that it has been a subject of discussion for the last month or more.

2321. Would it be possible for them to communicate with each other in the cells in which they are now confined?—It would, sir, because in order that they should be kept distinctly to themselves they collect each other's slops, and I have allowed them to be kept entirely to themselves, so that they should settle, as they say, placed in a cell next to a murderer or a robber.

2322. Then you think it possible that communications with respect to the objects of this Commission could pass between them?—Not since I gave them notice, for I have had an officer there. They have had no means of communicating with each other since the day I informed them, but on the day before, on Friday, one of them went out to exercise, for I have given them all the exercise I could, and he commenced shouting to Luby. He knew which must be Luby's cell, and tried to shout to him, so I had him removed to a yard further away.

2323. He shouted out?—He shouted out to Luby, called him by his name, and shook his cell door as a sort of signal to the others.

2324. You have spoken of treason-felony convicts being allowed to receive letters more frequently than others?—Far more frequently.

2325. Is there any other privilege that comes to you as having been granted to them and not granted to other prisoners?—The medical officer some time ago recommended them for an addition of diet, that was two ounces of bread per diem, which was immediately sanctioned by the director, and has since been in operation.

2326. Are the whole 11 prisoners included in that increase?—The whole; I think there was no exception. I am speaking from memory, but I think there was no exception. I can ascertain it in one moment. And they have not been confined in writing their letters to merely lines, they have written them all over the paper, so that they might get as much in a sheet as they liked, which no other prisoner is allowed.

2327. Have they ever been punished by their letters being withheld?—They have.

2328. Is that an ordinary mode of punishing prisoners?—It is as regards writing or receiving letters. For instance, if a letter is so full of public news that it cannot be passed in, in the case of the treason-felony prisoners, I have consulted the superior authorities, and I have acted on their advice as to whether it should be returned to the writer or should be suppressed, and I write to say that it had been suppressed; or sometimes a letter in the first half sheet may contain public news and the rest not; then I have taken off that half sheet and retained possession of it, and handed the prisoner the other part, telling him that what I kept contained public news.

2329. Have letters containing public news been frequently received in this prison addressed to treason-felony convicts?—All their letters contain public news more or less of everything going on outside.

2330. Have letters often been withheld from treason-felony prisoners as a punishment and not by reason of their containing public news?—Never; never one letter as a punishment. A prisoner may be repelled, and that deprives him of the privilege of receiving a letter by reducing him to another class; but it has never been a part of the punishment I have awarded a prisoner, to be deprived of his letter; but with regard to the treason-felony prisoners, they have had an immense number of additional letters granted

to them by the director. I have not power to give leave for a special letter. I write up and request the director's permission, and he has always granted it to the treason-felony prisoners except when their conduct has been bad. Then he says, "I will withhold this until I have some earnest of your improvement."

2331. Except refusing to work, what has been the general conduct of these treason-felony convicts. Confining yourself to the 11 you have now in your charge, what has been their general prison character, excepting in respect of the persistent ill-will to which you have referred?—Well, if regarded by the same standard that we judge of other prisoners by, it has been most highly inordinate throughout in manner, and language, and general bearing. They style themselves "political prisoners," and upon that assumption they assume this power to take and do anything and set you at defiance. For instance, when I went around to-day to ask these prisoners for their reports I did not expect any of them to salute me, but I did think, as an act of courtesy, that they would have put their hands to their sides. They stood with their hands behind their backs. I have been often told by some of them, "We shall treat you as so much dirt under our feet."

2332. Was not their conduct materially improved after the removal of O'Donovan Rossa?—It was materially improved for a short time; but we have a prisoner who came here afterwards who, although always civil and respectful to myself, is the most dangerous prisoner amongst them; that is McCaffery. I do not think he is at all regarded favourably by his comrades; but I think his conduct has been a means of leading many of those men into trouble since the removal of Rossa. McCaffery came a short time, I think, after the removal of O'Donovan Rossa. He came in May 1868; the others came in May 1866.

2333. Supposing a prisoner commits an offence punishable by confinement in a dark cell, would the warden assign him to the dark cell before he was brought before you?—Certainly not.

2334. To what kind of cell would the warden assign that man before he was brought before you?—One of the ordinary punishment cells that you saw in the separate cells. If a man committed himself on the public works he would be immediately placed there. The principal warden would report to me that he had placed number so and so in such a cell, and ask "Have you my authority, sir, to keep him there till 12 to-morrow?"

2335. Is it your practice before placing a man in a dark cell to confront him with the warden?—Invariably. No prisoner is assigned to a dark cell until he is brought before the governor and has an opportunity of examining the warden who brings the charge against him.

2336. That will apply to other cells besides the dark cells?—It will. No prisoner can be placed in a punishment cell until the punishment has been awarded by the governor.

2337. Does the director see the prisoner in your presence?—He does.

2338. Would the director follow the same rule as yourself in allowing the prisoner to be confronted with anyone of whom he might complain?—Frequently when a prisoner makes a complaint of an officer he sends for that officer, and when he comes inside the prisoner is there, and he directs the prisoner, "Now make your complaint," and the prisoner makes his complaint accordingly.

2339. With regard to the right of petitioning the Home Secretary, is any distinct intimation made to the prisoners that they possess that right?—Well, I cannot say that in a public works prison I have ever known any direct intimation having been made of it, but that it is distinctly understood by all prisoners that they possess that right, and whenever they come to the prison they put their names down and ask me to be allowed to petition the Secretary of State. I refer to the penal record, and grant the same if he is due.

2340. What is the meaning of that?—A petition is

only allowed once in the 12 months, so that if he puts his name down when he is not due he is informed that he will have to wait until 12 months have elapsed. He can only write a petition once in 12 months.

2341. Do you mean that if he has petitioned this month on one subject, for instance, the justice of his sentence, that he cannot petition for a year on another subject, as for instance some alleged harshness on the part of yourself or your subordinates?—That would be an appeal to the director. He cannot appeal to the first instance to the Secretary of State. He cannot write a petition to the Secretary of State on his treatment here. He can only petition the Secretary of State about his sentence and his case, but if he wants to write a petition to the Secretary of State about cruel treatment here, he must get that permission from the director.

2342. Then do I understand you to say that his right of petitioning the Home Secretary on his alleged maltreatment in prison depends on the discretion of the director?—On the discretion of the director.

2343. I observe that some prisoners have been for a second period of imprisonment confined at Millbank?—Yes.

2344. Under what circumstances does that happen?—Where a man grossly misconducts himself he is tried by the director, and it is optional with the director to make him go through a course of solitary confinement at Millbank, or to consign him to our penal class prison here. Sometimes it is advantageous that a man should be moved away and go through his solitary confinement at Millbank.

2345. Do you mean in order to break up his associations?—To break up his associations, get him away from here.

2346. Do you find as a matter of your own experience that men whose habits were previously solitary, break down earlier than other men when they are employed on the public works?—I think not. I think the reverse. I think the relaxation from brain work, and undertaking the physical work as a general rule an improvement. I have seen that many gentlemen have left in a much healthier condition than when they arrived here, and they have been employed at stone-dressing or navvies' work, and work of any description, and as a general rule the prisoners greatly prefer the open air work to the washhouses and places of that sort where they are shut up. As a general rule certainly during the whole of the summer months they prefer being at work on the public works.

2347. (Chairman.) Can you state any instance in which, under orders received from superior authority, the dietary of the treason-felony convicts has been varied from that which was given to them according to the regulations previously in force?—I know that there are two cases, my lord.

2348. (Mr. Bredrick.) Look at that paper and state the dates at which any changes were made in the nature of the dietary?—They were, my lord, on both occasions.

2349. Will you be good enough to specify the dates?—On the 29th December 1863, on the recommendation of the governor and medical officer, the ordinary supper loaf of six ounces issued to the treason-felony prisoners was increased to nine ounces, and the portion of tea given to them instead of gruel. One or two of them since have asked to have gruel back instead of tea.

2350. (Chairman.) Those alterations were made by order of the visiting director?—Yes, my lord, and again on the 19th March John O'Leary was recommended by the governor and medical officer to be allowed to have meat instead of soup, and that was approved of.

2351. (Mr. De Vere.) You have stated at considerable length and given returns to show the small amount of work that those men have been doing?—Yes.

2352. Over what period does that extend?—Since the 1st of January they have shown this excessive

dislike of working at all; but from the date of their reception here up to the present time their work has been very small indeed, not at all excessive in any way.

2353. What proportion does it bear. Has it been half the work done by other convicts, or one-third, or two-thirds?—Well, I should not say more than one-fourth, that they have ever done more than one-fourth of what is performed by ordinary convicts.

2354. I think you stated that the form in which their refusal to work took place was their stating their inability to work?—Their inability to work; one had a pain in the back, another had rheumatism, another one complaint or another. McCafferty unhesitatingly tells you he "won't work," and I might name others.

2355. Did you refer those cases of complaint of their inability to work to the medical officer?—The medical officer with regard to those men sees them almost daily. I have mentioned those facts to the medical officer frequently. I see the medical officer every day about these slaves, and we have conversations about them. Whenever they are physically unfit for work he has them taken to the hospital.

2356. When a man would refuse to work on the ground of inability he would make that statement to the warden in charge in the first instance?—Whenever the warden would check him for idleness, he would say I am suffering from pain in the back, or rheumatism, or anything else, it would be brought under my notice, and I would direct the attention of the medical officer to it.

2357. In what form would it come before you; would the warden report it to you, or would the warden first punish the person who refused to work, and then refer the offence to you?—Certainly not. If a prisoner refused to work and did not work, he would be reported in the ordinary manner; I should make inquiry, and if I then thought he was not able to work I should refer to the medical officer.

2358. In what way has the plea of inability to work come before you?—Frequently in that manner, before the 1st of January.

2359. And since the 1st January, how has it come before you?—Since the 1st January this constant idleness has only been mentioned to me by the warden. They have not been reported for it because I found that in punishing one man they made it the case of all. If I was to punish McCafferty to-day for doing little work, every one of these men would refuse to go to work; they would all refuse. Then I should be placed in the position of having to punish these men; when they first come here you will see by the reports that they were punished in many instances for conduct of that sort, but of late they have not been punished.

2360. How often have any official returns made to you of their idleness or their breach of discipline since the 1st January by the wardens in charge?—Frequently, by furnishing me daily with a return.

2361. Have you taken any action on these reports?—I have mentioned the circumstances to the superior authorities when they visited the prison. I have mentioned it to the chairman or surveyor-general of prisons. I have mentioned to the director that I found it utterly impossible to make these men work without punishment, and that if I punished one it would require punishing the whole, and that they distinctly stated that if they were punished none of them would do any more work; that it would throw on the hands of the government keeping the whole of these men in their cells; they have distinctly stated that they would not work; some of them, as you will see, have endeavoured to do a little up to the present time, but now they are doing simply nothing; they are simply under custody.

2362. To whom have they made the statement that they would not work?—They have stated it to myself, individuals amongst them, that they would not do any more work.

Mr. G. Clyn.

18 June 1872.

2363. That is since the 1st January?—Since the 1st January.

2364. If an ordinary convict—not a treason-felony convict—refused to do any work when out on the public works, what course would be taken with respect to him?—He would be immediately reported, and if it was the first time he had been reported he would probably have a severe admonition, and be told that if he attempted to show this spirit again he would be punished. If he persisted in that course he would be punished most severely—most severely.

2365. Have you given any directions to the officer or warden to treat those men when refusing to work, in an exceptional manner?—I have. I told them not to interfere with them, for this reason, that if the officer should say one word to them they turn round on him and abuse him in the most unfair manner, and I have the greatest difficulty in getting officers to take charge of that party. I have no hesitation in saying that all the officers that have been over these men would have gladly sacrificed their position in the service to get away, they felt themselves so harshly spoken of in my presence, and in the presence of the director, when a report has been made; told to their faces that they were liars, and things of that disgraceful character. It is with the greatest difficulty that I can get an officer to perform the duty, and I have always endeavoured to select men known to me as fair men, with even tempers who could put up with an immense amount of annoyance. I believe they have been aggrieved and injured to an extent beyond any description: in fact the officers have over and over appealed to me against it, and I have simply told them to show forbearance and maintain their temper as far as they could, and not find fault, if they did not work, instead of ordering them, if they disobeyed, and sending them in immediately under report, I said, "Tell them to go on, and if they do not do so the first time mention it to me and leave the responsibility with me, and avoid in any way exciting them," because the grievance of one is immediately made the grievance of the whole.

2366. You have spoken of a book in which reports against the prisoners are entered?—I have.

2367. Does that book contain reports of this continued refusal to work, and of this communicating amongst themselves contrary to discipline?—There are isolated cases where they have been reported, but I have satisfied myself in reporting the matter verbally to superior authority.

2368. There are cases?—There are cases. In my absence, when I was ill in bed, this day fortnight, two of these men were seen skylarking, and were told to go on with their work, and they deliberately told the officer that they would not. These men were reported and they made the same reply. I can produce the report if you wish at this moment, and you will see the nature of their replies. The case was heard by Captain Salter in my absence through illness.

2369. Would you explain what you call "skylarking"?—Idling about and talking, and laughing, and refusing to do anything.

2370. I gather from what you say that there is not a very kindly feeling between those treason-felony prisoners, and the officers in charge of them, is that the case?—I am afraid it extends to me, and not only to the officers who are immediately over them.

2371. I am now merely referring to the wardens in charge of them?—Except in two instances, there was a warden named Partridge, who is now superannuated, towards whom they never expressed any unkind feeling; but he was one of those whom I told if he had fault to find not to do so, but to tell me and leave the responsibility to me. When these men did not work, I frequently appealed to their good sense, and pointed out to them the bad example that they were setting to the criminal class around them, who at a moment's notice might be seized with a spirit of insubordination, and place not only their lives, but those of everybody else in jeopardy by creating a rioting.

2372. Have the treason-felony prisoners ever complained to you of insolent language or harsh treatment on the part of a warden?—Frequently, constantly, constantly. I have endeavoured on all these occasions to inquire into and see if there was any truth in the accusations. But they will put it in this manner; supposing an officer reports a prisoner for insubordination, this has often occurred; I have taken the officer's statement carefully; I have then asked the prisoner what he had to say in his defence against the charge; his defence is in most cases an entire contradiction of the evidence of the officer. I have said, "Well, I can only deal with this case on the evidence of the officer." "Then you mean to call me a liar." I said, "I never intimated that you were a liar, I simply said that I am dealing with facts, and here are two officers who state that such and such an event occurred, and you in your defence distinctly deny that it did; I can only deal with the merits of the case on the evidence of these two officers." Now that is exactly the position in which a warden has often been placed.

2373. Take the case of a complaint laid before you by a prisoner of the use of insolent language towards him on the part of a warden. If there was not a second officer present, and the misconduct was denied by the officer charged, how would you deal with the case?—I should take the report of the officer and accept his evidence as being correct; and if the prisoner was dissatisfied with my decision he would have an opportunity of appealing to higher authority, who would go into the merits of the case himself and judge whether I had come to a right conclusion.

2374. Why would you assume that the statements of the prisoner was always false and the statements of the warden always true?—Well, I can only answer a question of that sort from the experience that I have acquired amongst prisoners. I am now not referring exclusively to the treason-felony prisoners, but prisoners generally. They are always endeavouring to tell the most egregious lies to bring forward complaints against their officers; if you once listen to these complaints, get up in this manner, there would be no maintaining discipline; therefore the benefit is generally given to the officer. But if, for instance, I have a complaint against an officer whom I know to be an excitable man, an irascible man, I should make due allowance for it, and probably the prisoner would be simply admonished to be more careful in future, not letting him know that I know the officer's character.

2375. You mentioned one warden who seemed to be acceptable?—One warden named Partridge.

2376. What countryman was he?—He was an Englishman.

2377. Have you as a matter of fact any Irish wardens?—A good many of them.

2378. Are your wardens all Protestants?—No, a good many of them are Roman Catholics. It was ordered in my original instructions that Protestant officers of unexceptionable character were to be placed over the treason-felony prisoners, and I have endeavoured as far as in my power to select men of exemplary character.

2379. (Dr. Lyons.) Did you say Protestant officers?—Protestant officers.

2380. (Mr. De Vere.) You spoke of the dark cells being visited every hour day and night?—Every hour day and night.

2381. Who visits them at night?—The principal warden. During the night time there is a principal warden who is in charge of the prison, and all the subordinates are under his orders, and he is the only man entrusted with the master key. He has a key secured to his person which enables him to go to any part of the prison. It is the principal warden who visits the dark cells accompanied by the night patrol, who is in the body of the hall to which the dark cells are attached.

2382. Is there only one principal warden whose duty it is to visit the dark cells during the night?—

Only one. He is never addressed; he is on duty the whole night long.

2383. Would it be part of his duty to rouse up the prisoner from sleep every time he visited him?—If he was perfectly satisfied that a man was asleep in a natural sleep I do not think he would wake him, though his orders are that he is to satisfy himself that the man is all right, and get a reply to his name. In the strict letter of the rule or order, he is to get from the man "I am all right."

2384. Can you tell me, practically, how this visit is accomplished. I do not ask you the directions given, but, practically, does the warder call up the man and address him?—He will take his lantern into the cell, look at the man's face, shake him gently, when the convict replies "All right," and the officer goes out.

2385. And does he shake him?—Yes, and if the officer did not do that I should fear him for not carrying out the order.

2386. (*Dr. Lysons.*) I did not quite understand, Mr. Clifton, what you said about the right of appeal. How far can the prisoners' appeal against alleged maltreatment of them?—In the first place they would appeal to me. They would put their names down in the ordinary manner to see me. They would come up and say, "Sir, I wish to make a complaint against such an officer." "Very well," I would say; "name the officer; what is the complaint?" He would state the complaint. I would send for the officer immediately and say in the presence of the prisoner, "This is a prisoner's complaint of your having made use of such-and-such language."

2387. I refer more particularly to cases wherein the prisoner is supposed to have to appeal against harsh treatment to the Secretary of State?—He would appeal to the director to be allowed to send a statement of the treatment he was receiving here to the Secretary of State; and it would rest with the Directors of convict prisons whether they would sanction his making the appeal or refuse it; frequently they grant it, and it goes on to the Secretary of State accompanied by the remarks of the Governor and the Director, and such evidence as can be adduced.

2388. Then am I to understand that a prisoner has no absolute right of appeal against alleged maltreatment to the Secretary of State, without the intervention of the possible veto of the visiting director?—Without the sanction of the visiting director, or the board of directors.

2389. May I ask you what course you took with the treason-felony prisoners since Saturday last?—On the receipt of the secretary's note intimating that you could not be here on Saturday, I immediately telegraphed off to the Director, "Have just received notice from the Commissioners that they will not be here until Monday morning. The treason-felony prisoners have been detained in their cells since Wednesday morning. Shall I keep them there until Monday morning?" The reply to that was from the chairman himself, "Continue to keep them separate, giving them sufficient exercise. Communicate with the Roman Catholic priest as to service on Sunday, and make arrangements to carry out the object, without interfering with the necessary religious duties on Sunday." Upon getting this reply I placed myself immediately in communication with Mr. Poole, who stated that unless they could attend mass in the chapel that he was not in a position to give them any religious service in their cells. This was my telegram then to the chairman; "The visiting prison states that unless the prisoners can attend mass he does not think it necessary to give them a special service." I did not receive any reply to that, and seeing that the instructions of the Commissioners were imperative about their being kept separate, I took upon myself the responsibility of continuing to do so, for I had no possible means of doing so if they went to chapel.

2390. (*Chairman.*) That is an official communication?—It is an official communication, my lord, and on visiting the cells this day, these prisoners asked by

whose authority they were kept in. I made use of the Commissioners' name in that case, because the Commission had instructed me to keep them from the means of communicating with each other, and the only means by which I could do that was to keep them locked up in their cells.

2391. (*Dr. Lysons.*) Am I to understand that you threw on the Commission altogether the onus of these men being confined?—Certainly, because how else could I prevent them from communicating with each other.

2392. Was it within your discretion after the receipt of this direction by telegram to allow these prisoners to go to mass or not yesterday?—I think it rested with me, and that the object of the instruction issued by the Commission could not have been carried out if they had gone to mass.

2393. I ask you again, did you consider yourself at liberty, so far as directions from your head quarters were concerned, to allow these prisoners out to mass, or not, as you thought fit?—I think the chairman's reply was that if it was possible that any arrangement could be made by which they could have gone to mass, that I should have been at liberty to have allowed them, but this was impossible, as they were to be kept locked up separately. I consulted with the priest, who was entirely of my opinion, that there was no way of preventing their communicating with each other if they went to mass, and by allowing them to go to mass the object of the instruction would have been defeated. I have acted on my own discretion, as I received no reply.

2394. How many Catholic prisoners have you?—308.

2395. Do you think it would have been possible to allow these men to attend mass, and to have so arranged them as to prevent their communicating with one another?—The idea suggested itself to me, but I thought it would be so repugnant to the feelings of the men themselves, that they should go to a religious service and yet be so dogged and watched that it would be paying better respect to the feelings of the men to keep them in their cells.

2396. Would it have been possible so to have distributed them amongst the other prisoners that they could be freely allowed to attend to their religious worship?—It could have been for a part of the service, but they would all have to approach each other during the administration of the sacrament, and I think there were a large number in the chapel who would have gladly added the treason-felony prisoners in communicating with each other had they gone there.

2397. Was there any reason for thinking that these men intended to approach the sacrament that day?—Well, I did not ask Mr. Poole that question.

2398. Do you know as a matter of fact that the treason-felony prisoners sit together during divine service?—They always march to the chapel before the other prisoners.

2399. Together?—All together, and they sit on the two first forms in front, and they are not marched away again until the other prisoners are removed.

2400. (*Dr. Greenhalgh.*) Were any instructions given to the effect that the treason-felony prisoners were to be kept separate from others during divine service?—There were definite instructions given on the matter, and it was even contemplated separating them altogether from the others, because on two or three occasions trafficking has gone on during divine service.

2401. (*Dr. Lysons.*) You used that word "trafficking," two or three times, it seems to be a special term here; what do you mean by it?—A prisoner tries to pass a letter along a seat from one to another.

2402. It does not mean anything connected with purchase and sale?—Well, it does. Men always scheme to get tobacco, and would pass it from one to another. If a prisoner can give another prisoner an ounce of tobacco, that prisoner will in return let him give him a portion of his bread for so many consecutive days, so that there is a regular system of barter

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between them in that way. It is impossible almost to explain to the Commission the great amount of scheming that is going on to avoid supervision. I thought as you did, Doctor Lyons, with regard to the possibility of taking those men up to the chapel separately, and applying a large amount of supervision. Then came over me a feeling of repugnance that when a man was at his religious duties he should be so carefully watched; and I am quite sure had I done so the treason-felony prisoners would themselves have been the first to have felt that an insult had been offered to their religion, that they went there and yet the sincerity of their motives was doubted, inasmuch as it was necessary to have this supervision over them. I weighed all these matters well with the priest. I saw them afterwards and told them I was sorry they had to be kept in their cells. Some of them said they would have liked to have gone to mass, or to have had some service down there; but Mr. Poole was unable to give them a special service in the penal class prison, as he had duties to perform outside as well as there.

2403. (Dr. Greenhow.) How do they contrive to supply each other with bread?—By extraordinary means, viz., concealing it in the folds of their breeches avoiding search on parade, and in dropping it into a place where they know each a prisoner would pass; all sorts of devices for trying to pass it from one to another.

2404. (Dr. Lyons.) Do you consider sitting on three two benches a privilege to those men, or the contrary?—Well, really that is a matter that I have not thought of, but I should consider that they would look upon it as a matter of privilege, being near the rail and close to the priest.

2405. It is not granted as a concession?—It is not; it is to prevent any other persons from trafficking with them or their traffic with others. I might mention the origin of that. The first trafficking done here by O'Donovan Rossa was arranged in chapel, and one of his religious books which I can produce to the Commission was carefully written in between every line. It was passed to an ordinary prisoner, and soon, and unfortunately had to be taken from him by force, for he held it most tenderly. That was the first instance of my being made aware that such a thing would have been carried on there at all.

2406. Is it the fact that from the announcement of this Commission coming here these prisoners are under greater restrictions than they would have been otherwise?—It is. Had the Commission not been coming they would have been at work.

2407. As a matter of fact have they been shut up since Wednesday morning?—Since Wednesday morning they have been shut up.

2408. In solitary confinement?—In solitary confinement.

2409. And they have taken their exercise separately?—They have taken their exercise separately.

2410. And that would correspond to the ordinary mode of punishment?—There was no alteration made in their diet, or anything, so that it would not be considered by ordinary prisoners a punishment, but it would be looked upon as a relaxation.

2411. To be shut up for 5 or 6 days?—They would not mind it so long as they get their food and two hours exercise, and had books to read all the time.

2412. Are the prisoners who are in the infirmary, and who are sufficiently well to go about the ward, allowed to go to mass on Sunday?—When they wish to go, sir. Some of them have ever and over positively refused to go to mass.

2413. From the infirmary?—From the infirmary.

2414. But those who can go are allowed?—Those whose health the medical officer thinks admits of it are allowed to go.

2415. If a prisoner is under punishment in a penal cell, or dock cell, and that Sunday is one of the days that he is under punishment, is he deprived of hearing mass?—He is. A man under punishment is deprived of hearing religious service in chapel. He is visited.

2416. Supposing that a man is under punishment for a period in which Sunday intervenes as one of the days, could you, if you thought fit, allow him to go from the cell to the chapel to hear mass on Sunday?—I think not; such a case has never occurred. But I do not think I should have the power, certainly not without superior authority, of allowing a man actually under punishment for an offence to leave the punishment cell and go to his religious duties.

2417. Have you the power of letting every third day of punishment on bread and water cease?—I have, but he is still under punishment and not allowed to communicate with any other man, the fourth day when a convict is undergoing a sentence of more than three days' bread and water.

2418. Would you be good enough to reflect and answer the question to-morrow as to whether you have the privilege of allowing a man to go from a cell in which he is undergoing punishment, to hear mass or not?—I should say so.

2419. You should say that you have not?—I have not.

2420. If a man got sick in the penal cell, would you not have the power of removing him to the infirmary?—On the advice or recommendation of the medical man he would be immediately removed to the infirmary.

2421. But you think on reflection that you would not have the power of allowing a prisoner to attend mass?—I should not have the power, when a man is actually under punishment, to allow him to leave that punishment, the object of that punishment being to isolate him from his fellow-men during the time.

2422. Do you think that, as the result of your experience, or merely from its never having presented itself before, or that there is anything in the regulations that would prevent you from allowing a prisoner to go to mass half an hour or an hour?—I think it would wholly defeat the object of the punishment.

2423. I only ask you as to what you conceive your power to be?—I conceive that I have no power to let him out.

2424. If a prisoner is sick at night in his cell, and so sick that he might be forced to be in the hands of death, could he have free access to the Catholic priest. Would the Catholic priest be called to see him?—He would. The instant a man is considered to be dangerously ill, the fact is notified to me by the medical officer, and at the same time to the chaplain or the priest.

2425. Am I to understand that that would take place by night as well as by day?—Yes, in case of danger; and the friends of the convict are immediately communicated with. Whenever a prisoner is dangerously ill, and as soon as I receive the written report of the medical officer that he is so I find out from the penal record his nearest relatives, and communicate with them with the greatest despatch.

2426. With regard to the state of the prisoner in his cell, you say that he is discouraged from using his wits?—At night.

2427. You mean I suppose for the purpose of evacuating his bowels?—Yes.

2428. But he is allowed to use it for passing his water?—Yes.

2429. Do you think it possible that that restriction may not harshly or dangerously on any prisoner at any time?—I do not, because I think the prisoners fully understand that if they want to use it then illness of any description that they would be justified, and it would be simply the form of coming before me, and if the medical officer on being referred to stated that there was the slightest ground for using it, no punishment whatever would be inflicted.

2430. But it would require the intervention of the doctor?—It would.

2431. In the first place there would be a report before the governor, and it would require the intervention of the doctor to save him from punishment?—Yes.

2432. (Mr. Brodick.) Would a prisoner have the

right of a making a signal during the night to a warder, for the purpose of being taken to the watercloset?—It is contrary to the rules for the security and safety of the prisoners that they should be let out to the closet in the night. Every door is double-locked and guarded at night, and it is only in cases of serious illness that the cells can be opened. If it was recognized that these men were allowed out at night, it would be necessary for the whole staff of officers to be on duty all night as well as in the day. You would have these men coming down at all hours of the night. When the prison doors are once closed at night, none of them can be opened except by the orderly officer, and that only in cases of illness. If a man is taken ill he immediately makes a signal, at night he will tap his door, because it is heard distinctly. The officer then sends for the assistant surgeon and he sees the patient, and if he considers him sufficiently ill to be admitted into hospital an arrangement is made for his removal, and it appears in the written night report furnished to me in the morning, that those doors were opened during the night and who was passed out.

2435. (Dr. Lyons.) Do you think that a man has proper access to the means of relieving his bowels at night, in case of his being taken suddenly sick?—Yes, he can always use his urinal, but he knows that he will be brought up to ascertain whether it was necessary or purely unnecessary that he should do so.

2436. I think you said that in any complaint of a prisoner against a warder, the presumption was in favour of the warder's word being believed?—The warder's word being believed.

2437. If that be the case, may I ask you what remedy has a prisoner in any complaint he may make against an individual warder. You stated that the presumption is in favour of the warder, consequently the prisoner will not be believed. Now I ask you what remedy the prisoner has, supposing one warder only to have been present?—It is a very difficult matter where only one warder is present; but one has to judge them from the officer's denunciation, the way in which he gives his evidence in replying to a false or a true charge. If, as I said before, where there is any collateral evidence, for instance, if there was an officer of another working party alongside, he would be called and asked "Did you hear such and such language?" The officer's word would be taken in preference to the prisoner when he is there by himself.

2438. Then, as a matter of fact, the prisoner has no remedy against that warder, supposing the warder to be alone. If no other warder was present the prisoner has practically no remedy against the warder?—Well, I cannot say that, because if I am examining an alleged complaint, knowing the evidence of the prisoner, I may be able to detect from such officer not giving his evidence straightforwardly that there is some truth in the prisoner's statement; and if there be, I should certainly give the prisoner the benefit, and without letting him know, I should probably remove the officer from that party, or put him, the prisoner, into another party. But you must take the evidence of the officer, or how is the work to be carried on. You would have 500 charges brought every day against every officer if that were not the case.

2439. I only want to get at the facts?—The officer would be carefully interrogated in the presence of the prisoner, and if any evidence came out to prove that the officer was guilty he would be removed from the party and punished; if any officer is ever caught making use of harsh expressions to a prisoner he is dismissed the service.

2440. (Mr. Bradrick.) In other words, though the presumption is in favour of the officer it is not a conclusive presumption?—Not a conclusive presumption, for the prisoner has the benefit of an appeal, and if it is possible to trace the evidence; for instance, a person may bring a charge of an officer swearing at him in the hall, then I would send for the principal officer in charge of that hall and ask him "Where were you standing at such a time?" "So-and-so." "Then you must have been within hearing of this officer; did

you hear any bad language?" "No, I did not." *Mr. G. Clifton.* "Had he made use of such language must not you have heard it?" "I cannot say."

2441. (Dr. Lyons.) Suppose the case of an officer and a prisoner set on the works, what remedy has the prisoner as all the official presumption being in favour of the warder?—Well, he has none further than this investigation.

2442. Then, to take an extreme case, he has none?—No farther than one man being pitted against the other, one being not a criminal.

2443. (Chairman.) Your judgment of the warder depends a great deal on your knowledge of his previous conduct, and you would not take evidence which did not seem reliable?—Quite so, my lord; and if I doubted the officer's veracity I should then remove him from his party and not place him in charge of prisoners.

2444. Do you consider that supposing you were called upon to admit as evidence a prisoner's assertion, that it would be prejudicial to the maintenance of good order and discipline?—It would result in this, that you must let them all out. If the prisoners have the power of making charges against the officers how are we to govern the prison. You have here hundreds of men who do not value an oath or anything, and who would bring most malicious charges against the officers. It would simply result in your being unable to carry on discipline.

2445. (Dr. Lyons.) Would you be guided by the prisoner's previous character in regard to such a charge?—Always, in every case, the prisoner's previous character is taken into consideration, in every single case.

2446. Do you consider the labour performed here at hard labour constitutes a hard day's work?—Certainly, when honestly performed.

2447. It is a hard day's work if honestly performed?—It is a real hard day's work if honestly performed.

2448. What class of labour here do you consider to be the hardest, is it the quarrying work, or having stones, or what?—No, I consider some of the inside work, such as blacksmith's work, heavy work; moulding, where they are subject to intense heat, and use the sledge hammer. I think that more trying than working at the stone quarry.

2449. In the works outside is it at all the habit at any time for the prisoners to be made to carry stones on their backs?—It is.

2450. It is?—Well, I won't say carrying them on their backs, but lifting them and putting them into a cart.

2451. In carrying stones for a comparatively short distance are the men supposed to carry them on their backs any time?—No, I do not think they ever have sufficient distance to carry them on their backs, they carry them in front of them. They may now and then have a stone to move on to the back where there may be five or six carrying it together, it might then be put on their shoulders, that would probably be only the distance of from here to the window. But generally you see the men in lifting up the stones lift them up in front and put them into the carts. All blocks for building purposes and heavy stones are lifted by cranes.

2452. You spoke to Doctor Greenhow about the manner in which the personal examination of the men is carried on when they are asked?—Yes.

2453. What measures are taken in the conduct of that examination to ascertain if a man has any instrument concealed about his person?—I believe he is never felt about his person. The orders are that he is not to be touched about his person. But if he is suspected of having anything concealed in the man, he would be bent for a moment and the very act of bending spots things.

2454. May I ask you whether, as a matter of fact, you have ever known an examination of a prisoner to have been made here or anywhere, with a finger in the nose of the prisoner?—Not during the 30 years that I

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Mr. G. Glynn. have been in the convict service; I have never heard it. Such a thing never has been practised or notified to me directly or indirectly, that the finger has been so used.

2453. Would it be contrary to the rules and directions given to the warders, to make a search of a prisoner in that manner?—It would, and I myself would refrain from ever countenancing or in any way giving an order to such an effect.

2454. If it was ascertained that it had been done by a warder, would he be discharged?—Had it ever occurred here I should have instantly suspended the warder reported him to the director, and advised his instant removal from the service.

2455. Their mouths are examined?—Their mouths are examined.

2456. They are made to open their mouths?—Yes, their tongue is pulled on one side, and very often money is found.

2457. Is the finger of the warder put into the prisoner's mouth?—Well, I do not think he would put in his finger. He would make the man open his mouth this way (*without exhibiting the process on himself*). But they do not resist it; they open their mouth wide and put the tongue out. As a general rule they do not make the slightest resistance to the search.

2458. Who supervises the examination of the man?—Generally the principal warder, or the chief warder.

2459. Is that examination likely ever to be visited by you?—I have.

2460. Or by the deputy governor?—I have frequently visited it. I have seen it myself.

2461. Those conducting it may assume that at any moment you might drop in on them?—They may.

2462. Are you aware that this examination was ever performed with unnecessary rudeness or violence?—I have never had any complaint from the ordinary prisoners of their being rudely used. I had once a complaint of a man being searched before others, which he felt, and the officer was severely punished, for searching him in a place where he might have been seen. On their first arrival the treason-felony prisoners made numerous complaints about their being searched; numerous complaints.

2463. Were those complaints found to be substantiated on inquiry in any case?—Not of any rudeness, but they were constantly searched because there was this trafficking going on, and they would not have been so frequently searched had it not been for the intercepting of letters; it is one of those things that are constantly made the cause of searches, that and trafficking; no convict is searched in the presence of only one officer, there is another officer always present. But I have heard convicts complain of liberties being taken in the search on parole, for invariably they conceal things in a little bag tied round the waist. The officer is ordered to avoid as much as possible touching the convict's person, but he puts his hands on the thighs, and passes them down, and scarcely a week passes that we do not find things concealed on them. But anything like insulting a man by touching his person is strictly forbidden, and all the officers are so warned when they are sent to this duty.

2464. (*Chairman.*) And any breach of that rule would be severely visited?—Most severely visited, my lord.

2465. (*Dr. Lyons.*) I believe that I understood you to say that it was not entirely as a boon that the whole of the political prisoners have been put in one gang?—My object was not as a particular boon. I thought they would like to be together; it was also to prevent their being mixed up with the ordinary convicts, as at the time they expressed their detestation of being associated with the others, I strongly advocated throughout that they should be kept by themselves, and they have, with the exception of the two prisoners (for 2 days I think it was) already referred to.

2466. Supposing it to have been proposed yester-

day to have said a special man for those prisoners, would there have been anything in the prison rules or discipline to render that impossible or impracticable?—I should have afforded every assistance in my power. I was most anxious that Mr. Poole should have given them a special service in the penal class prison, where they are located, but he represented that he had not the power; I then asked him if a priest could be obtained anywhere in the district, and he told me there was none procurable.

2467. Supposing he would have found it necessary to have celebrated the holy office of the mass in the chapel, could the chapel have been assigned for them at any particular hour that he thought convenient?—Yes; but there would still have been the difficulty of keeping them away from one another.

2468. Not in that large building, surely?—There would. I proposed to Mr. Poole to hold whatever service they required to-day down at their cells.

2469. It is not likely that he could have performed the holy office of the mass there?—No, he pointed out to me that he could not.

2470. I want to know would it have been within the prison rules to have allowed them one half hour to attend mass?—Oh, perfectly; if I could have done it without touching on my instructions.

2471. The baths I observe are so arranged that as I have been informed three prisoners in succession use the same bath?—Yes.

2472. Is that the usual rule in the prison?—At certain seasons of the year, when we are very short of water.

2473. Are you liable to run short of water?—Oh, yes, very liable; we are so at the present moment. But the prisoners would get the benefit of having salt water; but it would be impossible to pump up sufficient salt water to give a fresh bath to every man. Besides that the steam in the kitchen is evaporated and used for baths.

2474. Is it possible that a prisoner might be called on to enter a bath that had been occupied just previously by another prisoner labouring under an affliction of the skin or an infectious disease of any sort?—I think not, because in cases of any eruption of the skin the medical officer would immediately treat that man, and I do not think there would be a chance of a man getting into water that had been used by a man that had an affection of the skin. But I certainly should not permit a man for instance if he refused to use the water after another man.

2475. I think I understood you to say, when we were visiting the chapel this morning, that it was absolutely necessary that a prisoner should attend either one or the other of the two places of religious worship?—Yes.

2476. Have you three places of religious worship?—No, we have only two, Protestant and Roman Catholic.

2477. You have no Jews?—The Jews are not sent here. If a man is sent here and declares himself to be a Jew, he is examined to see if he is, and if he is I ask for a warrant from the Secretary of State to send him away; Presbyterians would have an opportunity of being sent to Chatham.

2478. On entering here every prisoner must record himself a Protestant or a Catholic, or belonging to some religious denomination?—Yes.

2479. After being recorded as a Protestant it is incumbent on him to attend the Protestant chapel?—Yes.

2480. If he declined to do so on conscientious scruples, would he be still forced to attend the Protestant place of worship?—I think not, because if such a case arose from any religious scruple I should immediately refer the matter to superior authority, and I think if it was proved to be from conscientious motives that he would be removed to some other prison where he would get the chance of attending the worship he preferred. At Chatham there are Presbyterians and Protestants too. It is also in my power, when a prisoner asks to see a clergyman of a certain denomina-

tion, to let him do so. For instance, if a Wesleyan puts his name down I should put myself in communication with the Wesleyan minister, and he would visit him.

2481. (Chairman.) What amount of clothing is given to a prisoner in winter?—He has exactly the same as in summer.

2482. Will you kindly specify them?—I will commence with the smock.

2483. Of what material is it?—It is a heap of some sort, drabber is the right name for it. The jacket is made of coarse cloth, and the breeches of unbleached fustian, a pair of boots, a pair of flannel

The witness withdrew.

The Commissioners adjourned at 6 p.m.

Portland Prison, Tuesday, 14th June 1870.

The Commissioners returned at 10 o'clock, a.m.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. G. C. BROOKING.
S. E. DE VRIES, Esq.

DR. LYONS.
DR. GREENWOOD.

W. SPINNEY OLIVANT, Esq., Secretary.

Mr. GEORGE CLIFTON recalled.

2487. (Chairman.) Mr. Clifton, you spoke yesterday of having received instructions from the Secretary of State. Have you any written instructions which you can hand in with reference to the treason-felony convicts?—I have, my lord. (Produces a document.)

2488. Is that a letter from the Secretary of State?—It is a letter from the directors of convict prisons, and from the director of this prison, Mr. Wm. J. Fagan. The treason-felony prisoners, as I stated yesterday, my lord, were received without any instructions, and immediately on their arrival I addressed this letter to the director:—

"Her Majesty's Prison, Portland,

Governor's Office, 15th May 1868.

"SIR,
"I HAVE the pleasure to acquaint you that I received yesterday 24 Irish treason-felony convicts from Pentonville Prison, pursuant to warrant dated 5th instant, but I have not yet been furnished with the instructions as to their treatment referred to in the circular letter of the 8th instant."

[The secretary of the board of directors intimated to me that they were coming, and merely stated that instructions would be forwarded.]

"Pending further orders respecting them, I have employed them in the wash-house.

"I have the honour to be, Sir,

"Your most obedient servant,

"GEORGE CLIFTON."

A few days afterwards I received this letter back with this memorandum in it:—

"MR. CLIFTON,

"I REQUEST that my absence at Chatham prevented my issuing instructions to you on the subject. They are to be located in the last lot of new cells, passed by me as fit for occupation at my last visit."

[These are the cells, my lord, that you visited in D hall; they were just then completed and never occupied before.]

"They are to be worked in a separate party at labour equal to their ability, both as regards their strength and knowledge, and are to be exercised and kept by themselves on all occasions, and full marks to be awarded to them for their labour, except in cases of proved misconduct, and they are to be worked by Protestant officers, English, in whom you have the fullest confidence, and they are not to be employed

were, a pair of breeches, a cap, a belt, a flannel shirt, a cotton shirt, a handkerchief, a waistcoat, a pair of shoes and stockings, and one stock.

2484. (Dr. LYONS.) Perhaps you would be good enough to put in a return of the clothes given at both periods, and their weight?—Yes.

2485. (Chairman.) Do you produce a statement showing reports as to the work done from the 1st January 1870 to the present time by the treason-felony convicts?—I have it prepared, my lord.

2486. Perhaps you will hand it in?—Yes (hands it in).

The witness withdrew.

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"upon the domestic duties of the prison, except as regards their own cells and halls. You must therefore locate them on the works in a secure position where too much attention will not be drawn to their isolation; at the same time in such a position where their safe custody or the officer's honesty will not be tampered with. Due provision will be made for a Roman Catholic priest's attendance, but until one is nominated there will be no objection to one of the prisoners reading prayers to the others."

"WILLIAM J. FAGAN.

"17th May 1868.

"Noted at Portland.—The whole of these instructions have already been carried out, with the exception of sending the prisoners on to the works, and this shall be done at once."

And the following morning I complied with the request, and since yesterday I have ascertained that they were six days in the wash-house, and as soon as these instructions came down they were removed to a spot on the public works which you can see from the window, where they have been located ever since.

2489. Have you any other written instructions?—I have no other definite instructions from headquarters, but on several occasions there have been indirect matters arose which led to my being referred to these instructions; and on one occasion Miss O'Leary visited the prison and asked for permission to see other treason-felony prisoners.

2490. Do you mean other than her own brother?—Other than her own brother; and I submitted an application to the director of this prison, who sent it on to the Secretary of State, and I can produce the Secretary of State's reply, in which he declined, saying they were to be treated as other convicts. But this was the only written instruction I received; and before the Reverend Mr. Poole, Roman Catholic priest, was appointed, I placed myself in communication with the Reverend Mr. Charles at Weymouth, and asked him to come occasionally and see these men.

2491. He is a Roman Catholic priest I presume?—He is; and he came over and occasionally visited them and gave them a service; and until one was appointed, I asked the whole body of treason-felony prisoners who they would wish me to select to read prayers to them, and they unanimously asked that Luby should be selected. I asked Luby if he would

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undertake to read the prayers to them every morning, and I would place myself in communication with Mr. Charles, who would state what ought to be read by him; but Lady declined, saying he was not orthodox, that he was a Catholic, but not orthodox, and he would prefer that I would ask somebody else. I then asked, I think, Kichlars.

2492. Who?—Kichlars, I think I asked. At all events one of them had opportunities of reading prayers to the others.

2493. Was that later placed before Messrs. Knox and Pollock when the Commission sat?—I think so, my lord. Yes, I am quite sure that they asked if I had received any instructions, and I mentioned having received this, and stated what those instructions were.

2494. Would you wish to add anything on that point?—Nothing further, my lord.

2495. Is there any other point on which you wish to supplement your evidence, or any new matter that you desire to place before us?—I should like to state that I have mentioned on reference to the books since you were here yesterday, that the treason-felony prisoners were located in the new cells which you saw in D hall, from their reception, the 14th May, up to Christmas eve, the 24th December of the same year, when the penal class cells having been completed, on my recommendation, and as they complained of their being damp, they were located there, and have had the advantage of wooden floors instead of stone over size.

2496. From May to December they were in the D hall, and after that in the penal class cells, which are larger and have also the advantage of having board floors?—Yes, my lord. I have also ascertained that in some instances, where the treason-felony prisoners complained of their beds being hard, I have spoken to the medical officer, and on his recommendation issued them a third bed, and some of them at this moment have three mattresses instead of two, and they have always had one blanket more than the other prisoners; if they complained of cold, blankets have been issued to them. I have also ascertained that on their arrival I gave instructions to the wardens that they should not be searched in the presence of other prisoners; I mean stripped, and that when bathing they should always bathe by themselves and have always clean water to themselves, that they should not have to use water twice over; and even when the water was cold, warm has been added, and when they thought it too hot, cold water has been added.

2497. Have you done that in the case of other prisoners?—Certainly not, my lord. I could not have granted any such privilege without directions.

2498. (Mr. De Vere.) Are you aware whether your directions have been carried out?—I am aware that they have been.

2499. (Dr. Lyons.) It has been stated, Mr. Clifton, that you spoke in a manner said to be smothering and insulting of the convulsions and agues de la worn by the prisoners. I have seen your explanation in Messrs. Knox and Pollock's report; and I now wish to ask you about it, in order to give you an opportunity of saying if you did so or not?—I did not do so smotheringly, but in perfect ignorance, not in the slightest degree intending it as an insult, for I am one of those who advocate liberty for every man to worship God as he likes, and I have always afforded every facility to the priest and others carrying out Catholic worship. I have taken every trouble in regard to these men, and it was simply my ignorance in making use of that expression. So far from wishing to hurt their feelings, when I knew they had them in their possession, I asked the director to allow them to be retained by the priest instead of as hitherto being kept by the steward; and I furnished the priest with a box in which to keep those religious—tokens. I really do not know now what name to call them.

2500. (Chapman.) Enklams?—Enklams.

2501. (Dr. Lyons.) Is it possible that rain water could have got in and flooded their cells and wetted

the bedclothes and beds?—It is quite possible, that, in the extraordinary heavy gales we have here, and the building being built of wood, that there is water sliding through the wood; and it very often occurs that a man's blankets may get damp in the night, or slightly wet, in a few of the cells that are exposed to the west and south-west winds; and on those occasions the treason-felony prisoners having complained to me that their cells were flooded I visited the cells myself, and there were signs of there being moisture and wet in places, and the blankets were slightly wet. I immediately ordered those blankets to be taken over to the drying room and dried in the drying room, and I ordered the clerk of the works to make a careful survey of the building outside in order that any leakage might be stopped; but I think that that only occurred once or twice, and then in a very slight degree.

2502. While the cells were in that imperfect condition did you happen to direct that the prisoners should be removed to other cells?—I had no other cells to move them to at the time, unless I located them with the other prisoners, which I knew would be so distasteful to them.

2503. Do you think the prisoners have proper facilities for cleaning the mouths that they employ in their cells?—I think so, for had they not I presume they would have complained to me, and I should have issued an order to increase the quantity if it was required.

2504. Is it possible that a man would be asked to clean out the tin in which he ate his breakfast with the tail of a worn-out shirt or the seat of a worn-out drawers?—I think not; for the few articles they use only a panikin and a photo, they could rinse with water and wipe with a towel, for they always have one hanging up in their cells.

2505. Is it the case that the flannels or rugs given to them for cleansing purposes are parts of worn-out clothes?—Worn-out clothes, washed.

2506. With regard to the prisoners bathing, you have stated that you have directed that the treason-felony prisoners should always have each separate water to bathe in?—Yes.

2507. Do you know that that order was always carried out?—The practice in the service is this, that the governor's order is always strictly carried out, and there can be no deviation from it unless it is solicited, and as I have never been asked to alter that order, I presume it has been carried out, and as questioning the officers they say that my order has been strictly adhered to.

2508. Do you think it possible that one of the treason-felony prisoners could have been made to bathe in water which had been used by another man having any skin disease or syphilis, or any other objectionable state of his body?—I think not. In the face of those orders I do not think it would be possible.

2509. Did any officer inspect the baths to see that the order was carried out?—I have often gone to the baths and seen the water put in, and I have asked who this water was for, and they said, "For the treason-felony prisoners."

2510. You stated that with regard to the searching you gave directions concerning them?—Yes, that their bodies should never be stripped in the presence of the other prisoners, that they should be by themselves, confined to their party.

2511. Is one man examined at the time, or two or more together?—Sometimes altogether; three or four officers at the time.

2512. And how many prisoners are present naked in each other's presence?—They are sent to the bath-room, which you saw yesterday, and searched there.

2513. And is the search made in the bath?—On reception they used to stand in the reception-room, and were searched together.

2514. Then they were standing naked together in the reception-room?—I think not, but only as they went into the bath they pulled their shirts off, but I cannot

sists so far certain, for I was not present when they were searched; the custom is for a man to stand with his shirt on, and when the officer comes to pull it off; and he stands with his hands concealing his person. But now, instead of the men being searched in parties, they are marched into the bath-rooms, and searched in the bath.

2515. But formerly the practice was that a man was stripped naked in the presence of several others, certain officers of the prison?—It was.

2516. That was an objectionable plan?—I am only venturing an opinion; but it is a given necessity having to search a man, and my own idea is this, that it does lay both parties open to unjust imputation of acting badly, where it takes place in the presence of only one man; a convict may accuse the officer of taking liberties with him, and the officer may accuse a convict of taking liberties with him.

2517. (*Dr. Greenhow*.) When the treason-felony prisoners first came here where did they take exercise?—In one of the ordinary yards, but separated from the others; not with any of the other prisoners.

2518. Is there any place here that can be called a cage, any raised place of small dimensions, in which prisoners take exercise?—None.

2519. Then that does not apply to this prison?—It does not apply to this prison.

2520. What dress do the prisoners wear at night?—They sleep in their shirt and flannel.

2521. They are allowed to keep their shirt and flannel?—They keep all their clothes in their cells of a night, except when under punishment; all prisoners suspected of attempting to effect their escape, are deprived of their clothes, which are placed outside the cell, they are taken from him when the bell rings for going to bed; but ordinary prisoners retain all their clothes in their cells at night, so that they may sleep in their drawers and put their clothes on their bed.

2522. When the clothes are taken away from a prisoner at night, what is left?—His shirt and under flannels.

2523. Are the doors of the cells kept open when the prisoners are at exercise?—Always.

2524. Were the doors of the treason-felony prisoners' cells kept open also?—I believe so. I have visited them several times, and I have seen them so.

2525. (*Chairman*.) Mr. Clifton, we requested, and you were kind enough to say, that you would in consequence communicate personally with the various treason-felony prisoners, after our meeting yesterday, with a view to informing them that we should be prepared to see them, and receive any statement from them that they might wish to make. Did you accordingly see them?—I did, my lord. I went round to each one of them and told them that I was directed by the Commission to say that the Commission would be prepared to examine them separately and privately to-day. I went to each one of them. I asked George Brown first. He declined to appear before the Commission. I asked him if I was authorized to say so to the Commission. He said, "You are authorized." I then asked Patrick Dornan; his reply was the same.

2526. (*Mr. De Vere*.) Was it identically the same, or to the same effect?—It was to the same effect, not exactly the same words. At all events I put the same question to each: "Am I authorized to say so to the Commission?" and they said "You are."

2527. (*Chairman*.) Whom did you see next?—I do not recollect the order exactly that I saw them in, my lord.

JOHN O'LEARY, prisoner, examined.

2528. (*Chairman*.) Do you wish to make a statement to the Commission?—Yes; I wish to say that I asked for no commission, and wished for no commission, and when I heard some time ago that some commissioners were appointed I fully made up my mind to make no statement of grievances to any body of men that would be sent down, and as to any-

2529. Who was the next man, or any man that you saw?—O'Leary was the next. He stated he would; "Yes; but I don't much care," he said.

2529. That accounts for three of the eleven?—I am trying to recollect the exact order, my lord. I had this return made out afterwards alphabetically. I think the next was Shea, Mortimer Shea. He simply declined, and when I asked him if I was authorized to say so to the Commission, he said, "Yes." Michael Sheely, declined. I put the same question, and he said I was authorized to say so to the Commission. Edward St. Clair, he declined, and authorized me to say so to the Commission. Peter Mohan, "Yes, but don't mind," he said.

2530. "Don't mind?"—"I don't much mind," that he didn't much care. This prisoner I recollect was the first I asked. William Mackey, he declined, and when I asked him if I was authorized to say so to the Commission, he said, "Yes." Patrick Walsh simply declined, and authorized me to say so. Luby declined, and did the same.

2531. (*Mr. De Vere*.) Did he also authorize you to say so to the Commission?—He also authorized me to say so to the Commission.

2532. (*Chairman*.) McCafferty is the only remaining one?—He told me yesterday in the cell, my lord, that he did wish to see the Commission, but he told me previously that he would not see the Commission.

2533. That accounts for the whole of the 11 I think?—That accounts for the 11.

2534. Did any of them give any reason for declining?—None.

2535. And you were long enough there to admit of their giving any reason?—Quite, my lord. On the second day of my visiting the prisoners in their cells, I asked Luby particularly, because I thought he would have been so very anxious to make known his grievances, I called and asked him whether he had reconsidered the matter, and should I send him a sheet of paper: he said "No." He designated the Commission as "a solemn three," and declined to say anything.

2536. (*Dr. Lyons*.) Luby did?—Luby did.

2537. (*Chairman*.) Are those prisoners now in their cells?—They are, my lord.

2538. (*Mr. Friedrich*.) Did any of those prisoners, upon your visiting them last night, put any questions to you respecting the Commission?—No, they did not.

2539. (*Dr. Lyons*.) Did they ask who the Commissioners were?—No, they did not. I might mention that on all occasions of my visiting the prisoners, if you wish any corroboration of my statements, there have always been several officers present.

2540. Last night?—Last night, and on all occasions. I have made it a practice ever since the treason-felony prisoners have been here of always having officers present when I have dealt with them, or when they have put their names down to see me, or have had my opinion to see me; except once or twice when I communicated private family matters to them. I sent for O'Leary here once, and Luby once, and ordered the officer to retire, it being a family matter I mentioned it privately; but on all official matters I believe I have never had less than two officers present.

2541. (*Chairman*.) So that if any controversy arises on anything that you have said there were persons present?—Yes, my lord, the chief warder and chief clerk.

Mr. G. Clifton.

14 June 1870.

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J. O'Leary.
14 June 1870.

ships except those incident to persons sentenced to penal servitude. I may complain that we have been treated no worse than murderers and thieves. It appears to me that it is, at least, an exceedingly consistent proceeding on the part of the author of the celebrated letters to Lord Aberdeen to be sent down here.

2543. We must decline to hear you going into any general statement of that sort. The points into which we shall inquire are: whether you have any complaints to make as to the mode of treatment, or the opportunities of religious worship, whether you have had sufficient medical treatment when ill, and whether you can complain of the food, lodging, or clothing. These are the points into which we wish to inquire and shall be perfectly ready to inquire; but we shall decline to receive any statements on public policy.—You know the way the convicts are treated, don't you?

2544. Do you wish to make any statement on those points?—No, not to you; not that you should for a moment be under any delusion of my having more serious reason. You must, in fact, take us to be an extraordinary humble-minded class of men to think we would make complaints.

2545. Do we understand that you do not wish to make any statement on those points to which I called your attention?—No, not on those points.

2546. You quite understand that you have a full opportunity of making any statement as regards the treatment?—Of course I do.

2547. Then if you do not wish to do so you need not remain.

2548. (*Dr. Lyons.*) You were examined before Messrs. Pollack and Knox's commission, were you?

The prisoner was removed.

P. Mohan.

PETER MOHAN, prisoner, examined.

2549. (*Chairman.*) You can make any statement you please, Mohan, to us in reference to your treatment here. We are a commission appointed by the Government to inquire into the treatment that you and the persons imprisoned under the Treason Felony Act are undergoing. The points into which we should inquire are: whether you have any complaint to make as regards the spiritual arrangements of the prison, whether at all or on the whole you have any complaints to make of the medical officers, whether you have any complaint to make of the food, or cells, or clothing, or cruelty, harshness, or tyranny on the part of any person, or whether you wish to make any statement on those points. We are appointed by the Government, but are perfectly unconnected with the Government, and perfectly independent of them. You know probably the names of the Commissioners?—That is a matter of indifference to me.

2550. Having given you that information, we are willing to hear your statement?—In the first place you seem to admit the right of the Government to treat us as criminals, and they have treated us as criminals, and they flogged criminals to death, and of course claim the right to flog us to death.

2551. Have you any complaint to make of having been flogged severely?—Oh, I haven't been flogged at all.

2552. Then I must ask you again whether you wish to make any statement to us?—I do not wish to make any statement, but I say this to you gentlemen, if you are really honest men, and wish to ascertain the truth as to our treatment, you will make application to the men who have been liberated from prison. These persons are free to make a statement, and have not the lash suspended over their heads as we have. There is Mr. O'Brien, O'Connor, Kichham, and others.

2553. Do you wish to call any witnesses? Do you wish to have any persons called in reference to your own treatment?—Oh, no. Mr. O'Connor was in Millbank, and saw our treatment there.

—Yes; that is, I have not heard the names of either of them. Yes, I was examined.

2554. May I ask you whether you have been in any way subjected to unpleasantness of any kind in consequence of having gone before Messrs. Pollack and Knox's commission?—Well, it is very difficult for me to answer that question. I could not positively answer that question. I can say this, that immediately after that investigation we were treated far worse than we were some time before, but I cannot say that it was in consequence of that. For instance, Mr. Clifton here told me distinctly the other day that he did not know the evidence at all that was given before that body, and I am willing to believe that he did not. At all events, he might have known a certain amount of it though. I intended to ask him that, for certainly it appeared in the papers, and I saw them myself, which, by-the-bye, I may incidentally remark, were altogether false.

2555. I wish to know whether, in consequence of any evidence you gave before that commission of inquiry, you consider that you were in any way subjected to any unpleasantness of any kind?—Well, I could scarcely tell you that. I do not know whether I was or not.

2556. Is there anything that you wish to state to the Commission on the subject of its inquiry?—Of course it appears to me, to ask a person of my political principles whether I got punished would be like an Oliver Twist kind of business, asking for more porridge.

2557. (*Chairman.*) It is our duty to give you the fullest opportunity of speaking to us on those points, but as we understood you do not wish to do so we need not keep you.

The prisoner was removed.

2558. Do you wish to make any complaint of your treatment at Millbank?—There is one instance I will give you of the barbarous manner they treated me and others. I was stripped naked three times in a week.

2559. Where was that?—In Millbank: I was stripped naked so often as three times in the week by three officers of the prison. They compelled me to stoop down so that they put my hands on my toes, while they actually examined my passages as if I had sores or something contained in that peculiar part of my body.

2560. That we will inquire into.

2561. (*Dr. Lyons.*) How were you examined; how were the passages examined?—I was compelled, sir, to stoop down so as to put my hands on the floor while an officer stood behind me and examined my passage.

2562. How did he examine it?—He looked in my passage to see if I had a sore or something concealed in that particular part of my body.

2563. He did not put a finger near you?—He did not; but it occurred as often as three times in the week.

2564. On no occasion did he put a finger near you?—No, he did not.

2565. Were you examined in the presence of others?—I was examined three times in a week in a ward full of others.

2566. And you were standing naked?—Perfectly naked, sir, as I was born.

2567. Have you any other statement that you wish to make?—And here in this prison; now according to the rules of the prison, prisoners are entitled to write a letter once in six months; well, that is very little, at least it is as little as they can allow a man to communicate with his family. Now I have been convicted over six years, which entitled me to write a letter every sixth and the last month. Well, I have asked the governor about it and he would not give me the least satisfaction; he simply told me I was not entitled to write.

2368. Do you know what class you are in?—Oh, I am in the third class.

2369. (*Mr. Brodick.*) How often have you written letters since you were in this prison?—Since my conviction I have written but three letters.

2370. (*Chairman.*) A reception letter, and three since?—Yes. I ought to have written four on the 6th May, according to my conviction.

2371. (*Dr. Ligon.*) How many letters have you received?—I have received an answer to all my letters, that is to say, the conviction letter and two reception letters.

2372. Two reception letters?—Yes; one at Millbank, and one at this establishment.

2373. (*Chairman.*) Have you anything further to state?—Gentlemen, I will refer you, if you wish to have a correct account of my treatment, to make application to the men who are at liberty to do so.

2374. (*Dr. Ligon.*) Could they prove anything in regard to you that you think they could establish?—Well, no, I don't think they could.

2375. Could you name any one that could prove anything in regard to you that you complain of? Do you wish to call any evidence?—Well, no; nothing of those things that I stated occurred to me in the presence of those persons. I only saw Mr. O'Connor; he was in the same ward with me in Millbank.

2376. Has your health been pretty good since you have been in prison?—Oh, yes; I never have been better.

2377. Have you been at all in the infirmary since you came into any of the prisons?—No, sir.

2378. Have you had occasion to apply for medical advice in the prisons on any occasion?—Well, I had a little, at times. I had a sore throat in Millbank, and the doctor told me I had nothing the matter with it.

2379. (*Chairman.*) Did you apply here?—I did, and the doctor attended to me.

2380. He gave you all necessary attention?—Oh, yes; it was only a little affair; but Mackay might say something about the doctor at Woking; that is to say, if he is inclined to make a statement.

2381. (*Mr. Brodick.*) You were at Millbank before you came here?—I was, sir, 12 months.

2382. It was 10 months, was it not?—Oh no, sir; it was more than 11 months. I was convicted on the 6th May.

2383. And then you were first in Newgate?—I remained in Newgate about six weeks after conviction. I was 11 months and a half in separate prisons. Of course I was in separate prison in Newgate.

2384. During that time were you in separation?—Oh, entirely so.

2385. Was there no difference in the last month or two?—Not the least.

2386. Not even in respect of exercise?—Exercise, diet, or anything else; no difference.

2387. Were you better treated at Millbank or here. Would you say the treatment at Millbank or at Portland was the kinder?—The food at Millbank was considered better than in Portland; that is to say, the bread we could eat, but the bread here we cannot eat,

The prisoner was removed.

Mr. GEORGE CROFTON recalled.

2388. (*Chairman.*) Peter Mohan, who was before us, states that on applying for permission to write a letter in the month of May permission was not given. Do you recollect that circumstance?—I can refer to the application, book and give you definite information if you wish.

2389. If you please?—I might mention to the Commissioners that I have not power to grant a special letter, but I take his name down and I refer it to the director, and it rests with the director to give a special letter or not.

2390. You can tell us, according to the regulations of the prison, how many letters a man would be

at least I cannot. It is not sufficiently baked. We get more food of course here.

2388. (*Chairman.*) A part of our duty here is to examine the diet; we have tasted the soup and examined the bread and all other things.

2389. (*Mr. Brodick.*) Has there been any change lately in your treatment?—The only change is, that if we think proper we don't work. Fortunately, however, we saw the letter of Mr. Gladstone; it came under our notice, and we acted on the tone of that letter.

2390. (*Dr. Ligon.*) What letter?—A letter, I think, addressed to the Limerick committee—anonymous committee.

2391. (*Mr. Brodick.*) Is any attempt made to force you to work?—No, sir; at least the governor on one occasion made an attempt. However, he failed; he would have to punish us all. While we are in prison we will make them support us.

2392. Are you able to talk to each other when you are out of doors?—Oh yes, sir, we talk to each other.

2393. Then the officers do not enforce the rule of silence?—Well, there was a rule of silence enforced here. I was not here at the time. I only heard it from others, and the men, to use a common trade expression, "struck," and would do no more work; consequently several of them were sent to undergo a second probation in Millbank.

2394. (*Dr. Crockett.*) Were these treason-felony prisoners that struck?—Yes.

2395. Not the general prisoners?—No; only one party. The prisoners on the public works work in parties, one entirely separated from another.

2396. (*Dr. Ligon.*) Have you been put on bread and water?—No, sir, I have not.

2397. At any time?—No, sir. I have never been reported while in the prison.

2398. Had you any fault to find with the character of the food at any time?—Well, really, of course you can't expect good food in prisons; when you are placed with the lowest possible ruffian you cannot expect good food. The little meat you get is remarkably tough, and the bread is not baked. I asked on one occasion what was the reason that the bread was so badly baked. "Well," he said, "the simple reason is this, if the bread is baked the weight will be light, and then the prisoners will complain." Of course you gentlemen must be aware that there are men in this establishment who have enormous appetites.

2399. Is the food enough for you; enough to satisfy?—Oh, yes.

2400. Have you found any part of the food rancid or objectionable?—Oh no, sir.

2401. In this prison or in any other?—Oh, in Millbank prison the food was remarkably good; you could not expect better in a prison. That is to say, if I had the misfortune to come into prison for injuring my fellow-man I could not expect better, but I never injured my fellow-man.

2402. (*Chairman.*) There is nothing else that you wish to say?—Well, no, sir; I could, but I refer the general statement of my prison treatment to a future time; that is, if I live to do so.

P. Mohan.

14 June 1870.

Mr. G. Crofton.

authorized to write who came here on the 18th April 1869; we are now in June 1870?—That would entirely depend on the class he is in. It will be necessary for me to find out from the mark clerk the different classes he has passed through in that period, because, if he was a badly conducted man, he would be in probation class during that time.

2403. Assuming that a man had never been reported?—Assuming that a man had never been reported, my lord, when he comes from close confinement, where he has done nine months, he has three months to do in the probation class here. He would be allowed to write a reception letter, one letter. He

Mr. G. Clynes.

14 June 1876.

then gets into the third class, in which he remains 12 months. If his conduct is good while he is in that class he can write two letters, at intervals of six months each.

2507. (*Mr. Broadbent*.) Would the right of writing a letter in six months accrue or come into effect at the end of six months from his reception here, or at the end of six months from his entrance into the third class?—The printed rules originally made it necessary for a man to give an earnest of his conduct in each class before he wrote the letter, and therefore the letter was not awarded until he was six months in the class.

2508. That would be nine months from the time of his reception?—Well, it may not be nine months, but it was afterwards conceded by the directors that if a man was well conducted in his class, free from report, that he might write at the expiration of two months from getting into it. But when the treason-felony prisoners were first introduced into the prison the original prison rules, which hang up there, were in operation; a man did not write his letter until he had six months in the class. But with regard to those men those rules have been entirely set aside. Any special application made, except when a man's conduct has been bad, has been conceded.

2509. (*Chairman*.) Will you kindly look to the application in this case?—I see many applications from his comrades, but I do not see Mohan's name. No, my lord, I have not found an application to write through me. Did he say that he had applied to the director or to me?

2510. I understood him to say that he applied to you?—I find several of the treason-felony prisoners applied to the director at his visit, and in consequence of being reported for not doing any work the letters were withheld until there was some disposition shown to obey the prison rules.

2511. (*Mr. Broadbent*.) Can you say how many letters he would have been entitled to write?—I can at once get the number from my mark clerk from the books.

2512. It would depend upon his class?—It would depend entirely upon his classification.

2513. (*Chairman*.) Perhaps you had better get it for us. He was received on the 15th April 1869. Another statement that he made was with reference to the bread, which he says is not sufficiently baked. Have you had occasion to complain of that yourself, or have you had complaints made to you?—I have had two made by the ordinary prisoners, but I have had no complaint from the prisoner Mohan.

2514. He did not say that he complained to you?—I have had two complaints from men who stated that the bread was not sufficiently baked, and on each occasion I examined the loaf they rejected, and submitted it to others, and they were of the same opinion with myself that it was perfectly baked, but rather fresher than we generally issue.

2515. Did you direct the medical officer's attention to it?—Not on either of those occasions. I showed it to the master baker.

2516. (*Dr. Greenwood*.) If any other man were to refuse to work as those men are doing, would you deprive him of the privilege of writing a letter?—The slightest offence on the works would deprive a man of every privilege.

2517. As a matter of fact, has Mohan been deprived of the privilege of writing because he has not worked?—I cannot without reference to the director's book state whether it was Mohan or two of the other men; they asked for special letters, and the director declined to give them until they showed some disposition to work; but I cannot recall from memory at this moment whether it was Mohan in particular.

2518. I do not mean special letters; I mean the regular letters?—They would not have been stopped as regards the treason-felony prisoners.

2519. Do you remember stating yesterday that

those men would not work on the works?—They would not.

2520. I want clearly to understand whether, far not working on the works, they would be deprived in the privilege of writing letters?—I should not of their case consider it necessary to forfeit the privilege.

2521. (*Dr. Lyons*.) Do you think, as a matter of fact, that any of them have been deprived of the right of writing or receiving letters in consequence of a refusal to work on the works?—Not his ordinary letters; special letters, yes.

2522. But he has been refused a special letter?—Yes, but not the one he was entitled to by his classification. If he was in the probation class he would not be entitled to it.

2523. With regard to the bread and the baking of it, what supervision is there that the bread is properly and sufficiently baked?—The officer in charge of the bakehouse is a thorough baker by profession, and holds what we consider high rank as a subordinate in the convict service, the rank of principal warder. Under him he is assisted by an assistant warder, who also understands baking. The bread is examined daily by myself in the presence of the master baker by the steward, who is supposed to supervise all provisions that are needed, to see that they are good and sound, in the case of bread that it is properly baked and properly made, and it is generally examined by the deputy-governor as well; if a prisoner consider that his bread is not baked, he gets immediately the privilege of referring it to me; on those occasions I go to the bakehouse and have the whole batch broken in half, and ascertain in that way whether the bread is baked or not.

2524. Could you put in a return of the complaints made within the last 12 months, of bread not being sufficiently baked?—I could on searching through the books put in such a return. When a man has the slightest cause to suppose that the bread is not baked, or even if he complains, I say, "Let the man have another loaf; let him have a stale one."

2525. Would there be any advantage in the economy of the prison by not sufficiently baking the bread?—No, the reverse.

2526. The reverse?—Yes. I think it would tell against the prison, because in making our bread we are obliged to show every day the increase or percentage, and if the bread was not properly baked I think it would tell against me. I think the percentage would be lowered in weight.

2527. But if the baking of the bread has the effect of driving off a certain amount of moisture, as it undoubtedly has, would not the less baking the bread got be consistent with an increase in weight, while if it was properly baked that weight would be diminished?—It would if you take large loaves, but where there is an isolated lot; we have immense ovens and we bake in this, and sometimes the bread in the time at the entrance of the oven may be a little less baked than the inside ones. But I never had anything like a general complaint of the bread being insufficiently baked; it has only been an isolated lot at the corners of a tin at the entrance of the oven perhaps.

2528. (*Mr. De Vere*.) As regards the treason-felony services, is there any entry or record of complaint or punishment with reference to their refusal to work since the 1st January last; is there any official record of complaint or punishment?—There is; some of them have been reported for it, and therefore there will be an official record.

2529. In what book would that record be?—In the report book. I can quote a case immediately; two cases, if you allow me to send for the book.

2530. I think it would be advisable. While we are waiting for it, I may ask you whether the privilege of letter writing would not be curtailed if there was an official record of complaint and punishment?—It would be in the case of an official record where a man was punished.

2531. Would it in the case of a complaint recorded

in the report book in the manner you have just described?—It would be.

2632. That would curtail his privilege of letter writing?—It would.

2633. Was a verbal complaint made to you, but not made an entry in an official book, be sufficient cause for curtailing his privilege of writing?—Not in any case; there must be proof that a man has been idle, and therefore been punished, before he would be deprived of the privilege of writing a letter.

2634. Then if the treason-felony prisoners have been deprived of the privilege of writing letters in any case for refusal to work, the fact of their refusing to work will appear as a complaint and as a record upon the prison books?—It will.

2635. And if it does not appear as such, it could not have curtailed the privilege of letter writing?—It could not.

2636. (Mr. Bradrick.) Could a prisoner be deprived of the ordinary privilege of letter writing without being reduced to a lower class?—He could. Supposing that a prisoner is in the first or special class, the highest class, I will take a case that has occurred to-day, that of a man in the special class who has never been reported during the four years he has been here. He is reported to-day for a trifling offence, for which I felt it my duty to forfeit the special class. He consequently forfeits the privilege of writing attached to the special class.

2637. Is not the forfeiture of that privilege of letter writing incident to the forfeiture of his class?—No, forfeiture of marks as well as class.

2638. So that it would be possible for a man to remain in the same class as before and yet forfeit the privilege of letter writing?—Yes, if he forfeited 42 marks, which is equal to seven days; he can earn back two of those days by exemplary conduct; but he would forfeit the privilege of writing again until he was two months clear. If he was only admonished he would not forfeit the privilege, but if he forfeits a single mark he loses the privilege of writing. Here, my lord, is the penal record which accompanies prisoners from prison to prison.

2639. (Chairman.) Will you be kind enough to explain to the Commission the operation of your system of marks, the proportion which they bear and the period of remission which a man may obtain?—A prisoner's sentence on reception is turned into marks at the rate of six per diem, but by industry and good conduct he may earn them back at the rate of seven and eight per diem; so that if he earns seven marks per diem he will earn one eighth of his sentence as remission, but if he earns eight marks per diem by continuous good conduct and industry, he earns, in round numbers, one fourth of his sentence. Those marks have also a money value as well. I will explain now, my lord, that it is not exactly one fourth or one eighth, because during the nine months that they are in separate confinement they earn no remission of their sentence; therefore, taking a seven years' man, it would be the fourth of six years and three months; if a four years' man, it would be the fourth of three years and three months. But I can hand in a return showing the exact calculation on each sentence.

2640. In the case of a man who has been sentenced originally to seven years' penal servitude, and who from the period of his coming into this prison behaves himself in accordance with the prison regulations and earns eight marks a day, how soon would he get out of prison?—He would get out in five years and about six months, but I have it calculated to the exact day. The object of the introduction of the mark system was this, to put it in the power of a prisoner by his own good conduct and industry to work out his sentence, and gain the remission authorized. There they all are (exhibiting a table of sentences and remissions). There is the three years' sentence, less nine months; he would earn six months and 22 days, the maximum amount of remission on the public works; he would have only to do one year eight months and

eight days. A seven years' man would earn one year six months and three days on the sentence, so he would have only four years eight months and eight days to do on the public works.

2641. Does that statement of marks apply to every case except those sentenced for life?—All except in cases of sentence for life. When at the expiration of 20 years I bring under the notice of the Secretary of State through the director a man's case, and if I am able to report favourably on his industry and good conduct, the Secretary of State may authorize his being liberated upon a ticket-of-leave; but if his conduct has been improper the Secretary of State would take no further notice till that day next year, when a similar report would be sent up, and so from year to year until he had some proof of reformation, and the license would be granted.

2642. Then the marks apply in every case except cases of sentence for life?—They are recorded in the books, but they do not count for time.

2643. What do you mean by saying that the marks have a money value?—The whole amount a prisoner can earn, whatever his marks may be, is 3*l.*; so many marks represent so many pence, and their gratitudes are calculated in that way and shown, and a man is furnished with a card every quarter, on which he can see the number of marks earned and the number of marks forfeited, the class he is in, and the gratuity standing to his credit at the end of each month.

2644. How much would be earned by a man who behaves as well as a prisoner could, and who has been sentenced to seven years' penal servitude?—4*l.*; but if he reaches the special class I can recommend the director that he be granted an additional 3*l.*; but that exists only where a man reaches the highest classification, and goes to an aid society.

2645. Then the man would receive that money at the end of the period of seven years, diminished by his marks, when he goes out?—He does not receive it when he goes out. He elects where to go; I give him sufficient money to carry him there; before the expiration of three days he must report himself to the chief constable of the county, who reports to me. I then pay the gratuity at the rate of 1*l.* per month until he has received the whole of it, so as to keep him going as it were for three months. I send post-office orders all over the country.

2646. Does that system exist in each of the convict prisons?—Throughout the whole service, except Millbank and Pentonville, from which no prisoners are discharged.

2647. (Mr. De Vere.) The gratitudes are paid when the prisoners are discharged, or nearly so?—Paid when they are discharged, if the police of the district to which they are conveyed report favourably of them.

2648. Are the marks recorded in the case of a life sentence?—They are.

2649. Is there any remission of the period of imprisonment made in the case of a life sentence?—Yes, in many instances I have known life-men to be discharged at the close of a period, fixed by the Secretary of State. It used formerly to be 12 years; it is now 20. At the expiration of 12 years, I have known life-men to be discharged.

2650. Is that shortening of the period of imprisonment of prisoners who have been sentenced for life founded in any respect on the marks that have been obtained by them?—Not on the marks, but I think on the man's general conduct during the whole time of imprisonment; because his remission is not calculated by his marks, the marks are only recorded to show what he has earned, and to show his conduct.

2651. Then in the case of a prisoner sentenced for life the marks bear no value with regard to remission?—They bear no value as regards remission.

2652. The marks can bear no pecuniary value, except in cases where the period of imprisonment is shortened, because they are not payable until after the discharge of the prisoner?—Yes, they would in this way, that supposing a life-sentence man was as

Mr. G. Clayton,
14 June 1859.

Mr. G. Clynne

14 June 1870.

excessively idle man, and it was recorded in the mark or penal record that from idleness he remained in the probation class, in which the marks have no money value, he might be discharged at the end of 20 years without having earned a single farthing.

2653. I do not think you quite apprehend my meaning. I will put a case. Supposing a man is a life prisoner—under a life sentence, and that during all that period a number of marks have been earned by him, what value would they have, either with regard to remission, or to their pecuniary value in the case of a life sentence?—I see exactly what you mean, and yet it is very difficult to explain. It would be necessary I think in that case to commence by stating the maximum amount that can be earned by a convict. Whatever number of marks he gets is only 3*l*., therefore a life-sentence man cannot earn more than the 3*l*.. You may have it represented that he has earned by his marks 40*l*. or 50*l*., but the Secretary of State's orders only admit, whatever a man's marks may be, that he may be paid 3*l*.; if he is a good man he can earn his 3*l*. in a five years' sentence, so as to give every man an opportunity of earning the 3*l*., but he cannot earn more than that. After that you may have it recorded here, but he can only get the 3*l*.

2654. Let me ask you shortly, what use the marks are to a life-sentence man?—Simply as a record of his conduct and to show that he has earned the 3*l*., because it is quite possible that he cannot earn the 3*l*. in a life sentence if his conduct is continuously bad.

2655. Will you tell me whether the treason-felony prisoners have acquired any remission of sentence, supposing them not to forfeit the marks which they had already obtained?—That would involve the necessity of my handing in each of the penal records by which I could tell whether they had earned any gratuity or remission. It would depend on the entries that are made weekly.

2656. I should like to see the precise position of each person with regard to money and remission?—I can give you that. When a free pardon was received for those already liberated I was authorized by special authority to give them their maximum amount of gratuity exactly the same as if they had earned it at this prison.

2657. (Dr. Lyons.) Did those treason-felony prisoners who went out get any money?—They got the 3*l*. and full expenses back to their place.

2658. Did they all get the 3*l*?—Every one of them.

2659. All those that were under your charge?—All. I gave the order for their receiving the 3*l*.

2660. (Mr. Bradrick.) May I ask you, are prisoners ever sent back to separate confinement at Millbank as a punishment for persistent idleness?—Not for persistent idleness; but they would be, supposing that that idleness and an insubordinate spirit were shown at the same time. Supposing a man should determine to say, "I won't work here; I set you at defiance," the director has the power either to put that man in the penal class here for nine months, exactly the same as at Millbank, or he might think it advantageous to get rid of him here and send him there. But as an ordinary rule all men now sentenced to close confinement are located in the prisons where they commit the offence, each prison being furnished with a penal class prison, which was not the case formerly; they were then sent back to Millbank.

2661. Have any of the treason-felony convicts been told that if such conduct as you have described were continued they would be relegated back to Millbank?—Never, I think, since a number of them were returned there for showing an insubordinate spirit has such a threat been held out to them; but the director on several occasions has cautioned these men that if they do not turn over a new leaf they would be punished.

2662. (Dr. Greenwood.) Can the treason-felony prisoners who are not working earn any remission of their sentence, or any money?—Not while they are not working, because they would not be accredited

with their six marks, and therefore would be earning no remission. If a man gets only six marks he is earning no gratuity.

2663. Can a man earn six marks without working?—If he was earning six marks only he would be rewarded, because the six marks would show that he was idle, and therefore he would be punished for it.

2664. But those treason-felony prisoners are not working?—There has been an exceptional case.

2665. My question had reference to them. My question was whether the treason-felony prisoners who are refusing to work are earning any remission of their sentence, or any money?—None while they are so. If they worked fairly to-morrow, and the officer thought it desirable to give them seven marks, they would earn remission. If on the following day they failed to work, and six marks were only awarded to them, they would earn no remission; but the instant that they showed a disposition to do any work the officer would credit them with more marks, and then they would earn remission.

2666. Are they earning six marks now when they are not working?—I can answer that question on reference to the penal record, but I cannot without.

2667. Is it possible for a man who does not work to earn six marks a day?—He would be credited with six marks a day if he did not do anything, but that would show that he had to do the whole of his sentence.

2668. (Mr. Bradrick.) May he forfeit by idleness marks earned other days by industry; may he forfeit by idleness to-day marks which he earned by industry yesterday?—Of course he might. I will give an instance. Supposing a man is idle to-day, and reported for idleness, if it is a first offence I deal leniently and forfeit marks. I can forfeit 42 marks, any number between 1 and 84; 42 represents a forfeiture of seven days, so that if a man was idle and should forfeit 42 marks, that is seven days of his remission gone; but if afterwards he goes to work, earns over a new leaf and is industrious, he can earn back a portion of those forfeited marks; therefore he would actually only lose five days, but he would lose five days which he previously earned by steady labour.

2669. (Dr. Greenwood.) Would any other prisoner who was not a treason-felony convict, and who did not work, lose his marks for not doing so?—He would, and be severely punished.

2670. Then in that respect they are treated with exceptional indulgence?—In that respect they are treated entirely exceptionally.

2671. (Chairman.) With regard to prisoners generally, how is this system of marks, and the benefits they may obtain by industry, made known to them?—The officer, my lord, has a book in which he enters the name of every prisoner in his party. That book is ruled with six columns for the six days of the week, and at the close of every day he fills in the marks opposite the man's name that he thinks he has been deserving of. If he is not a skilled man who has come here, and never done a day's work before, we will say a gentleman, still if the officer sees that he shows a desire to do all in his power he would award him eight marks although he did but little work. It is not dependent on the quantity of work they do, but on the disposition to work that they show, because many of them are strangers to work. This is an account, my lord, [exhibits a document] for each day; at the end of each week it is totalled up by the officer; his book is sent to my office, it is submitted to the deputy-governor, who examines it to see that the officers exercise no favoritism in awarding those marks, as he is constantly on the spot. Once it is initiated by the deputy-governor the marks are entered into every prisoner's penal record; and here is one of them, showing the number that the prisoner has earned throughout his career every week.

2672. My question is, how far and in what way is the prisoner informed of the nature of the system?—He has a card hanging up in his cell which is made up every quarter, showing the number of marks he

has earned and forfeited, the amount of gratuity he has earned.

2673. Is it fully explained to him on admission?—It is fully explained to him on admission.

2674. By you or by the deputy-governor?—The rules in which the mark system is mentioned are read by the deputy-governor.

2675. This is totted up every week?—The books are totted up every week.

2676. Then there is a sort of debit and credit account entered in the case of each prisoner?—Every prisoner; and it is one of the most important parts of the whole system connected with the governor's position, because I am not borne harmless if I keep a man over his time, and his liberation depends upon a correct calculation of the marks earned to show when

he becomes due to be recommended to the Secretary of State. On the last day of this month a form will be drawn up in which the names of all men due to be discharged in August will be submitted to the Secretary of State. In that is a record of the man's class, the marks he has forfeited, his punishment, and all particulars. It then rests with the Secretary of State to issue a warrant for his licence. Sometimes it will come down with an order for his name to be withdrawn, and submitted again this day three months. Then I get down the licence signed by the Secretary of State, and as each man earns his marks, he is discharged on licence.

2677. (*Mr. De Vere*.) The licence is what is called a "ticket of leave"?—A ticket of leave. Would you let my mark clerk explain the mark system?

2678. (*Chairman*.) Yes.

The witness did not withdraw.

SAMUEL HENRY BOWLES examined.

2679. (*Chairman*.) What office do you hold?—First class clerk, my lord.

2680. In this prison?—Yes, my lord.

2681. Will you explain to the Commission what is the result of the system of marks as applied to the treason-felony convicts?—Yes, my lord. By this system they can gain by good conduct and willing industry a remission of one fourth of their sentences on public works.

2682. You will take man by man and tell us?—The rules laid down apply to all alike.

2683. Take George Brown: what is his position?—He is new in the second class. The total number of marks representing his sentence is 50,250; that represents a 10 years' sentence. Towards that number he has earned up to the 29th May 1870 6,348 marks, my lord.

2684. What does that represent in money?—His total gratuity for that number of marks amounts to 11. 3s. 11½d.

The witness withdrew.

MR. GEORGE CLYTON'S EXAMINATION RESUMED.

2685. (*Witness*.) Up to the latest time he has earned eight marks a day.

2686. (*Dr. Lyons*.) I will only ask the governor whether, in view of this statement, he has or has not struck off from the marks that any of the treason-felony prisoners have earned up to the present time, any number of marks as a punishment for not having worked?—Oh, a considerable number. McCafferty up to this time has lost 978 marks for misconduct.

2687. (*Mr. Broadrick*.) Has any forfeiture of marks on the ground of idleness taken place during the present year?—In two cases: in the case of McCafferty, McCafferty during the present year has forfeited 84 marks for idleness, that is 14 days.

2688. (*Dr. Lyons*.) Since the last of January?—84 marks since the 1st January. I wish to bend in this extract about McCafferty:—"Warden Barnett reports this prisoner for playing in the stone shed with another prisoner with bits of wood at a game resembling hockey, and announcing his intention to continue it even outside; date 24 June, 1870. Statement of convict: 'It is correct; I have no defence; I do it for exercise; I see no harm in it; I will continue.' Reduced from second to third class, marks 720; additional punishment, 8 days penal diet; forfeited for remission 84 marks; marks previously forfeited 894. The prisoner on bearing the sentence said, 'Remember, you will have trouble with the whole party.' And also about Michael Sheehy: "Warden Barnett reports this prisoner for playing in the stone shed with the preceding prisoner at some game, and refusing to desist. Statement: 'I had intended not to go on after being cautioned, but as you have had me reported I will do so again.' Reduced from third class to probation. Period

2685. Does that stand to his credit?—Yes, my lord.

2686. (*Dr. Lyons*.) What does that represent in time?—1,041 days at six marks per day. The rule is that no man is credited with a gratuity after he has earned 34.

2687. But in point of time what amount of remission does that represent?—6,348 marks; that is the number of marks this man has earned up to the end of May; at six marks a day it amounts to 1,041 days, and by earning eight marks a day it would only take him 781 days; the difference between 1,041 days and 781 days is 260 days.

2688. (*Chairman*.) Then he has earned 260 days?—No, my lord; this man has not always been earning eight marks a day.

2689. (*Dr. Lyons*.) Can you not turn the 6,348 marks that he has earned into the amount of remission of time that he has earned?—Yes. He has gained a remission of 117 days towards his sentence.

"calculated in marks 480; forfeited for remission, marks 48; forfeited previously 494." (*Hands in the extract*.) That had been an ordinary prisoner he would have got three days bread and water, but I told Captain Saltor that I thought he would use a wise discretion if he only awarded a day or two penal diet instead of bread and water; and since then I believe both the prisoners have expressed their regret at having so needlessly set him at defiance, and that the punishment they got was perfectly just.

2694. (*Dr. Greenwood*.) In point of fact the treason-felony prisoners have not lost marks for idleness, but for idleness combined with insubordination?—Idleness combined with an insubordinate spirit.

2695. Had they not shown an insubordinate spirit they would not have lost their marks?—Certainly not. In this instance, when the officer saw that they were setting such a bad example by playing hockey, had they desisted the officer would have reported the fact verbally to me, and I should have made it a point to have seen the two prisoners, to have pointed out to them the impropriety of their conduct, and told them that a repetition of it would have met with severe punishment; but instead of that they most distinctly told the officer, in the hearing of the others, that in spite of him they would go on, and they persisted in going on; and it was simply to prevent anything like a scene on the public works that those men were not immediately handcuffed and sent in as ordinary prisoners would have been; I do not feel myself justified in adopting such a course; I do not know what might be the result of such a matter.

2696. Then during the present year no treason-felony prisoner has lost marks for idleness alone?—I can answer that in one instance. (*Refers to a book*.) Luby has never had a tool in his hand since the 1st

Mr. G. Clyton.

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S. H. Roberts.

Mr. G. Clyton.

Mr. G. Clifton. January. O'Leary has not been reported since 1868.

14 June 1870. 2907. Does that mean that he has done his work since 1868?—I think by a return I handed in yesterday you will see that individuals amongst them have occasionally done a little work. Shen has not been reported this year. Edward St. Clair has not been reported this year. William Mackay has not been reported this year. Patrick Walsh has not been reported since 1868. Mohan has not been reported this year. Patrick Doran has not been reported this year. McCaffery you have already heard of. Brown I do not think has ever been reported, for he has been a civil and a very quiet man.

2908. And yet many of those men who have not been reported have been idle, and had they been other convicts than treason-felony convicts they would have been punished?—Severely punished.

2909. (*Mr. De Vere.*) With reference to a question I asked you before, you will now be able to answer. Taking into consideration that there have been no reports against those men since the 1st of January for idleness, can they be deprived for idleness?

The witness did

not withdraw.

2910. Then if he has been deprived of the privilege of writing letters it is not in consequence of idleness on the works?—It is not. Brown has not been reported since 1868, and I see that, up to a certain time, he has been working.

2911. Up to what time?—Up to the second week in September. During October he did nothing; during December he did nothing; during January he did nothing, and in March he did nothing; but he has been a very quiet man.

The witness did

S. H. Roberts.

SAMUEL HENRY ROBERTS recalled.

2702. (*Chairman.*) Are you prepared to tell us what the value of the marks are pecuniarily?—Yes, my lord. In the probation class they are of no value. The next class to the probation is third class; a prisoner in that class can earn 12s. 6d.

The witness remained.

Mr. G. Clifton.

MR. CLIFTON'S EXAMINATION RESUMED.

2704. (*Chairman.*) Then that leads me, Mr. Clifton, to ask you to answer this question, as I understood it, no person can earn more than 3s. as a gratuity?—None more than 3s., my lord.

2705. Certain treason-felony convicts have been pardoned by the Queen?—By the Queen.

2706. Upon their passing out from this prison did they receive any gratuity, though they had not earned it, as other prisoners might have done?—They did, my lord.

The witness remained.

S. H. Roberts.

SAMUEL HENRY ROBERTS' EXAMINATION RESUMED.

2711. (*Dr. Lyons.*) We have the equivalent of the 6,268 marks in money; we wish to have the equivalent of it in time?—The remission that this man Brown has obtained is 117 days towards his sentence.

2712. Has he been absolutely ordered that?—He

2707. What sums were in each case given?—3s.

2708. You think 3s. was given to each man?—I do, my lord; at all events I can produce the authority for whatever was given.

2709. Was it by direction of the Secretary of State?—It did not come to me from the Secretary of State, but from the directors of convict prisons.

2710. It came to you as a direction from the directors of convict prisons?—Yes, my lord.

The witness remained.

has absolutely gained 117 days remission up to the 29th May.

2713. Allowing for deduction of all kinds, that is the absolute amount of remission that he is entitled to?—Yes, sir.

The witness withdrew.

Mr. G. Clifton.

MR. GEORGE CLIFTON'S EXAMINATION RESUMED.

2714. (*Mr. De Vere.*) With regard to the political prisoners who were pardoned you said that some money was given to them, was that to take them home?—Yes, sir.

2715. Is that the usual course in prisons when men are pardoned?—It is not, because when an ordinary prisoner is discharged his travelling expenses are paid to the place he goes to, the place of conviction, and maintenance money, &c., is allowed him to obtain refreshment, and then his gratuity is paid to him in the ordinary manner, and it holds good that supposing a convict has any money in his possession when he was apprehended, 15s. or 16s., it is placed to his credit. When he is discharged on licence he cannot receive that 15s. or 16s. in a lump, but in instalments of 1s. a month, paid by myself, unless of course a special authority may override that.

2716. Was the amount of expenses that was given to these treason-felony prisoners when they were discharged the same as that given to ordinary prisoners when they are discharged?—No, it was more liberal. I had a *carte blanche* to exercise my discre-

tion. I can hand in to the Commission a return showing the actual amount that was given in each case.

2717. (*Dr. Lyons.*) I believe that no prisoner is allowed to touch any of his earnings during the time he is in prison?—Just so; it is simply a nominal amount. If a prisoner dies after earning the 3s. and 3d. for extra good conduct, the wife or any relative has no claim to that sum. It is a nominal amount, so that if they applied to me I should refer them to the directors of convict prisons, who would refer them to the Secretary of State.

2718. (*Chairman.*) You have asked the Commission whether, in consequence of the answer given by 9 out of the 11 treason-felony convicts in this prison to the Commissioners this day, it would be proper to allow them to return to out-door employment. We requested you then to ascertain from them whether they wished to go out, telling them at the same time that if they did wish to go out it would be considered a final expression of the determination on their part to decline to come to us. Have you seen them?—I have seen

each of those nine, my lord. I have seen the 11, because I went to the other two also. I went to say that the Commissioners would be ready to hear them up to 4 o'clock to-morrow, but if they elected to go out now it would be taken as a final expression of their determination to decline. They all distinctly stated that they did not wish to make any statement to the Commissioners; and Shea added that he wanted to go out with the rest of his party, but as regards work he had not worked, and he had no notion of working, that I could not ever make him work; and Mohan expressed his regret that he had said anything to the Commission at all. O'Leary, after I had seen him, asked the warden to let me see him again, and wanted to tell me the evidence he had given before the Commission. I said I did not want to hear one word.

The witness withdrew.

Mr. EDGAR SHAW BLAKER examined.

2721. (Chairman.) You are the medical officer of this prison?—Yes.

2722. (Dr. Greenhow.) What are your medical qualifications?—Member of the Royal College of Surgeons, Licentiate of the Edinburgh College of Physicians, and L.M.

2723. (Chairman.) How long have you been medical officer of this prison?—About four years and a quarter.

2724. Have you during that time received from any of the treason-felony convicts applications for medical assistance?—Yes; I have on several occasions.

2725. From whom can you say?—From, I think, nearly all I may say at some time or other.

2726. Have any of these been cases of affections of a serious character?—One certainly was of a serious character—that of Patrick Barry.

2727. He is no longer here. Could you attention to the 11 treason-felony prisoners who are now here?—There has been no case of serious injury to health.

2728. Have they ever complained to you of the diet?—I think one man has complained to me that he could not take his soup.

2729. Has anyone ever complained to you of the bread?—I do not recollect anyone ever having complained of the bread. Really so long a time has elapsed now that I would not be quite positive about such a matter as that, but I do not recollect it.

2730. But in any case in which they have applied to you for assistance they have received it?—Always, yes.

2731. Have you received from them any other complaints on any ground as to their position and treatment here?—I think nearly the whole tenor of their remarks would imply that they did not like their treatment here.

2732. Have there been any remarks which led you to doubt as regards their health?—I am sure they received every attention as to health.

2733. Or as to the nature of their employment?—Whether it was injurious to health?

2734. Yes?—I am certain that it was not.

2735. Such employment as they were put to would not be injurious to health?—Certainly not.

2736. I hold in my hand the medical officer's report, dated Portland Prison, January 1870. That report, I presume, bears your name, and is prepared by you?—It is.

2737. Is it the practice to make an annual statement to that effect?—It is, my lord.

2738. Without going into details on it, am I correct in saying that the average daily number of sick in prison has been 62.5?—I believe that was it. (Looks at the document.) Yes, that was the total.

2739. That has been the average?—The total average.

2740. The total average for the year?—For the year.

2741. The numbers being, as we have learned from other sources, rather more than 1,500?—Yes.

He pressed me and said, that if I did not hear it from his own lips I could ask the Commission. I declined to hear it from him or to ask the Commission, as it was confidential.

2719. Then we shall take it that we have no more questions to put on this part of the case?—I put in two returns, my lord, the "dietary table," and the "conditions of contracts for provisions." The other, my lord, is the "list of the bedding," in which I enumerate the articles issued to each of the treason-felony prisoners.

2720. These articles being the same as those issued to other prisoners?—Yes; and the "list of clothing" issued to each convict here in summer and winter, my lord.

The witness withdrew.

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Mr. E. S. Blaker.

2742. What appears to be the rate of mortality per 1,000 in this prison?—The rate of mortality has been about 1 per cent, or a little above it.

2743. The number of persons who have died here during the year has been 18?—Yes; but that includes some fatal accidents.

2744. It includes three fatal accidents, I believe?—It includes two or three, I know.

2745. So that, independently of these accidents, 12 or 13 would represent the number of deaths?—It would, from disease.

2746. (Mr. Brodribb.) Is there anything in the diet or discipline of this prison, so far as regards the ordinary convicts, which in your opinion is calculated to be permanently injurious to health?—Well, that is such an enormous question; it requires so many details to answer it at once, because so much depends on the state of a man's health when he comes in. For instance, one man coming in here with a robust constitution, and another man coming in with an impaired constitution from his previous life, come here in very different positions. Therefore, if I am answering for the whole body, it is very difficult to reply to the question.

2747. Let me arrive at it in another way. Are you able to state whether convicts, speaking generally, are more frequently in your hands during the first or during the last year of their confinement; whether they enjoy better health during the first or during the last year?—Well, I should think, as a rule, during the last year they have better health perhaps; but that really is such an intricate matter that it would require a great deal of minute going into to arrive at any very correct observation with regard to it. Men certainly when they first come here lose weight as a rule.

2748. Do they regain it to an equal extent?—Not to an equal extent.

2749. Is the permanent loss, on the average, a very serious loss?—No, I do not think it is very serious.

2750. And do they seem well able to perform their work during the latter period of their confinement?—Those of good constitution do. I cannot in my own mind discover the constitutions of men in treating our prisoners as a body, because you have such a different back to stand upon. You are working in one case on a man in good health, on the other on a man with impaired constitution to begin with, and you would expect the difference to be much greater in one than the other.

2751. Speaking of the 11 treason-felony convicts now in this prison, are you able to state generally whether they are now in as good a state of health as they were when they entered the prison?—I should say with one exception they are.

2752. What is that exception?—I might say Mackay is not in as good health as when he came here.

2753. I think McCafferty is at this moment in the infirmary?—He is.

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2754. Is his health the same?—His general health is very good; he suffers from nervous complaints.

2755. Now, in matters of health, have you the absolute power of recommending what you consider desirable?—Yes.

2756. And are your recommendations always acted upon?—Almost always; I might say always. I suppose you are now referring to the general body of convicts?

2757. I was referring then to the general body. Can you state generally that your recommendation is always acted upon?—Yes, it is almost invariably acted upon.

2758. Have you ever recommended anything in the case of those 11 treason-felony convicts?—Yes, I recommended an extra bread supper.

2759. And was it granted?—It was.

2760. Have you ever recommended anything in their favour for the benefit of their health which has not been granted?—Everything has been granted.

2761. What is the practice with regard to medical inspection when a prisoner is first received?—They first enter the prison, and then are immediately taken to the bath-room; there they have a bath each, and they are after that marched down to the hospital, where they are put in a room on one side of the passage, and then each take off their own things singly in the passage, and come into the office opposite, and there they are examined privately.

2762. Are they stripped naked?—Yes, when they come into the room they are.

2763. Are they stripped before they come into the room?—Are you speaking of those 11 men?

2764. Perhaps we had better first speak generally of the usual practice?—The usual practice now is that a man does not take off his shirt in the presence of other men. He comes into the room and takes off his shirt, and therefore he is not seen naked by the others. That is not the practice that always has been acted upon.

2765. So we have understood. As regards those 11 men, are you able to state from recollection whether any of them were stripped naked in the presence of others?—They might have taken off their things in the presence of others. During that time we were not so particular about it as that way.

2766. Do you recollect in any case of any of those treason-felony prisoners this taking place: that on some one or more of them attempting to make a remark about their health, you, in the most insolent tone (I am reading a statement made) told them to hold their tongue, that no one was speaking to them, and not to attempt to speak until they were spoken to?—No, I never made use of any such expression.

2767. You feel quite sure that you never made use of any such expression?—I am perfectly certain of it.

2768. Do you remember Mulcahy being here?—I recollect him by name. I do not recollect actually much about him now.

2769. Do you recollect this incident: that Mulcahy had occasion to see you, that you asked him in the rudest possible tone what was the matter with him, and that on Mulcahy replying you turned on him and said, "You fellows; you Fenians think that a doctor has nothing to do but to attend to you?" Have you any recollection of that occurring?—I never said it.

2770. You distinctly state that you never said that?—I do. I do not believe that I am referred to even for having said it. I believe that it refers to the assistant-surgeon. I believe that that really referred to the man who was here as assistant-surgeon, Dr. Bessan, at that time.

2771. (Dr. Lyons.) Is he here still?—No, he has left the prison.

2772. (Dr. Greenhow.) Would Dr. Bessan have used such language, think you?—He was rather sharp sometimes, but I do not think he would use such language.

2773. (Mr. Brodick.) Was he medical officer here then?—He was assistant-surgeon and I was medical officer.

2774. You are in a position to state that you never used such an expression?—Certainly.

2775. On that or on any other occasion?—On that or on any other occasion.

2776. (Mr. De Vere.) Have you ever found that a prisoner had any difficulty in bringing his case under your notice?—None whatever. As a rule these men used first to be seen by the assistant-surgeon; but lately, within the last—it is about 12 months now—I have seen them individually myself. The ordinary practice of the prison is, if a man wishes to see the doctor he puts his name down in the morning, and he sees the assistant-surgeon at 12 o'clock in the day; if the assistant-surgeon considers his case one that requires treatment in the hospital he is admitted into hospital, and he then comes under my care, my immediate care; but if the ailments are slight he treats them in the way of casual sick.

2777. Has any man who has come under your care complained to you that he had found a difficulty in bringing his case under your supervision?—I believe they used to prefer seeing me to seeing the assistant-surgeon, but I have never heard them express any difficulty; but I have often heard them saying that they did not like to see him.

2778. Did they ever complain that they found a difficulty in obtaining medical assistance, either from you or the assistant-surgeon?—No; they may have expressed themselves once or twice dissatisfied with the assistant-surgeon, but not for any neglect of treatment.

2779. They never expressed dissatisfaction to you or spoke of having found it difficult to get medical advice?—No.

2780. Does the labour on the public works appear to you to have a different effect upon men of education and sedentary habits to what it does on the labouring class?—I think, speaking as a body, it does. It tells more on them than on the ordinary labourer; it mends do.

2781. Could you say whether the number of those men whose health has broken down under labour was larger in the educated class or in the labouring class?—I think probably a larger number in the educated class, because their prison life would tell more on them; they have not been used to the amount of physical exertion; they have never been trained to it, and it is new to them.

2782. Does the same observation apply to the indoor occupation, such as cooking, washing, tailoring?—Not so much. No, certainly, not so much.

2783. Does it in any degree?—Very slightly, because any man can almost turn to a tailor.

2784. Is ophthalmia prevalent in the prison?—I should think not at all more so than it would be in an average population of the same extent outside. There is a good deal of twinging in the prison; not so much now as there has been.

2785. Does it ever occur to you to recommend any protection in summer time to the eyes from the glare?—Oh, yes, eye-shades. We have several men wearing the shades.

2786. The caps that are worn here on the works have no peaks?—They have no peaks.

2787. Have you ever thought it advisable to suggest that an alteration should be made in the pattern of the cap?—No; I have never seen a necessity to do so on medical grounds.

2788. I remarked that some of the men on the works extemporize peaks for themselves, by putting up a rag under the cap which projects over the eyes?—Yes, I think some of them do.

2789. Are they allowed to do that?—I suppose the officer in charge allows them. Are you referring to a party a short distance from this prison?

2790. I have remarked it in a few of every party coming in from the works?—There is a party here called the invalid party, and I dread that a good many of them are allowed those extra things. I do not know that the men out in the quarry would. It is a large party—a party of 60 men.

2791. (*Dr. Lyons.*) Do I understand you to say that you do not remember anything sufficiently distinct about Mulcahy?—I can by referring to the books. I have his hospital case and everything about him. I can tell what he was in for, and his case, and everything that way. (*Refers to some sheets.*) It is a name I recollect very well, but I do not really recollect much of his case.

2792. What do you call these papers that you are now examining?—These are hospital papers; case sheets.

2793. Are you sure that you should have his case sheet there?—If he was admitted into hospital. I do not think he ever was. He never was in hospital.

2794. He was never in the hospital here?—No.

2795. Does that imply that he never came under your observation?—It would I think imply that he never came under my observation. He left here it appears in 1867, on the 11th of the fourth month, for Mountjoy. I have some papers here with reference to the last Commission, which may perhaps show the actual treatment he received in the prison. I could not give that with regard to a great many, but I think in his case I may have it. Yes, here it is. It is from the time of his arrival in the prison up to the 14th November 1866, the day of his departure.

2796. What is that paper in your hand?—The history of his treatment, of the medicine that he had, and what he was treated for.

2797. (*Mr. Brodick.*) How do you describe that sheet you hold in your hand?—This is a simple extract from "the complaining sick book."

2798. (*Dr. Lyons.*) Did Mulcahy suffer from hæmoptysis when he was here?—He did; complained of hæmoptysis.

2799. Were you medical officer at the time?—I was.

2800. Was he seen by you?—I do not think I have ever seen him.

2801. If a case of hæmoptysis was serious would you have seen the case?—He would be sent into hospital, and I would be sure to see him.

2802. Can you furnish the Commission with a certified copy of that document relating to Mulcahy?—Yes.

2803. Can you state from anything on that sheet, or from any other source, whether Mulcahy, while he was suffering from hæmoptysis, was continued at hard labour?—I should think he was continued at hard labour. From what appears by this he first complained on the 21st July. He then had an opening pill; on the 28th he complained and had medicine—leu. He then applied on the 14th August, and did not get any medicine. On the 29th August he applied again and had a cough mixture.

2804. On how many occasions do you find hæmoptysis or spitting of blood entered?—Twice; one on the 21st July, and the other the 28th. After that he complained of a cold, and the intervals were the 24th, 29th, and 30th August; then 1st September, 5th September, and 7th September.

2805. And notwithstanding these frequent entries, two of hæmoptysis and other occasions, it does not appear that you were consulted about him?—No; he is only stated to complain of cough.

2806. Am I to understand that although complaining twice of hæmoptysis, and complaining frequently to the medical officer, he was continued at hard labour?—I suppose so, but this is not my treatment; this is the treatment of the assistant-surgeon of the time, Dr. Baan. He was a good man and very clever.

2807. Still I find that while Mulcahy was at Portland the kind of labour that he was reported to sit for was "hard labour"?—That was on his reception, on the 14th April 1862; and he makes no complaint until the 21st July.

2808. I want to know whether he was continued on hard labour during that period in which he twice suffered from hæmoptysis, and several times sub-

sequently applied to the assistant-surgeon?—He continued at labour.

2809. Is that shown by any papers in your hand?—No; only I gather so because there is no proof of his being admitted. He might have been put to some lighter labour by the assistant-surgeon. I cannot say.

2810. How can that be ascertained?—I do not think it is possible to ascertain it.

2811. It appears to me to be very important to ascertain it in some way or other. Can you suggest any way in which it can be ascertained?—It might possibly be ascertained through the governor, but I do not know if it can.

2812. Would the governor have applied to you, to the medical officer, or the assistant medical officer, before changing a man from hard labour to light labour?—He would apply to me. The assistant-surgeon often recommends a man for change of labour without its coming to me; but if the governor wanted to know on any medical matter he would apply to me personally.

2813. Have you any record of any such application, made to you by the governor or by anybody else, to remove Mulcahy, in consequence of blood spitting, from hard labour to light labour?—No. The word "hæmoptysis" is entered here, but in those times we used to have to hold the complaining sick we now have, and we used to put down some disease. Hæmoptysis would tend to imply that the man had a violent spitting of blood. I should imagine, from his being treated in such a casual way as this, that the amount of hæmoptysis was very small.

2814. That is an *ex post facto* explanation that I do not think it safe for you to assume?—I can confidently assume it, for I do not think any man applying to Dr. Baan would not be sent by him into hospital at once.

2815. Where is he at present? Is he in the service?—No, he is not; he holds some appointment in London.

2816. From what source are the medicines supplied to these institutions?—They are supplied by contract from the various leading men—chemists—Gale, Baker, and Ward, and all good firms here.

2817. Who is responsible for the compounding of the medicines?—A qualified compounder.

2818. Do you know what was the name of the compounder at the time Mulcahy was under treatment?—Holman.

2819. What is the name of the present compounder?—At present we are without any.

2820. Have you authority over the compounder?—Yes, I have.

2821. If you reported him for not sufficiently paying attention to the compounding of the medicines, would he be dismissed?—Oh, certainly.

2822. Do you believe that the medicines are properly supplied and properly made up on all occasions?—I do, certainly.

2823. Have you had complaints to make of the quality of medicines supplied by the contractor?—Very seldom; now and then I send a few back.

2824. Have you had occasion to complain of the manner in which they were made up by the compounder?—No; I might once or twice.

2825. Once or twice?—Well, I don't know; I won't state positively that I never had. A man might occasionally make a mistake, but not have ever been reported.

2826. On the whole, are you satisfied that the compounding of the medicines is carefully and properly carried out?—Yes, I am satisfied.

2827. You mentioned a while ago that men on coming here lost weight?—I think that after they have been here for a time that many of them do.

2828. Do you derive that from a general impression, or are there any data to show it?—At one time—I must enter into, perhaps, rather a long explanation of it—at one time I was rather disposed to recommend a little more. As all I say taken

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down? This is a matter which is irrelevant to this inquiry.

2828. You have spoken of the decrease in weight in convicts after coming here; what data have you to go upon in respect to that?—About two or three years ago I had occasion to weigh a great many of the men, and I found that many of them lost weight in the first two months they were here.

2829. What steps did you take in consequence of ascertaining that?—I made a recommendation for a slight increase in diet.

2831. In what class of diet principally?—Chiefly in bread in one meal, supper.

2832. To what extent was that increase?—I think it was three or four ounces.

2833. Was it carried out?—It was not.

2834. It was not carried out?—No.

2835. Was it carried out in any instances?—No, it was not carried out at all. I am not referring now to those treason-felony prisoners.

2836. I am quite aware of that. Are you still of opinion that such an increase of diet ought to be given?—I think it would be an advantage to the great body.

2837. To the great body of the prisoners?—Yes. I think the supper, in proportion to the other meals, is rather deficient.

2838. And do the prisoners, as a matter of fact, perform a good deal of labour between dinner and supper?—Yes, they do.

2839. A good deal of labour?—Yes, they perform a good deal of labour; they work from 1 to 5.45 in summer.

2840. At what hour is the supper?—Six or half-past 6, about; soon after they come in.

2841. Did you in any or in many instances attribute the loss of weight to anything but this deficiency of food and the hard labour, or did you attribute it in any instances to absolute deterioration of health?—Well, I suppose it was the effect of those various reasons combined.

2842. Do you think that at any time the food was so very deficient that there was danger of men of a phthisical diathesis running into phthisis in consequence of deficient supply of food?—No, I do not say that. I think the food question is one that is so nearly balanced that it is almost as open one with some whether it is enough or whether it is not.

2843. Is the administration of the baths of this institution generally under your supervision?—No, except in the hospital, under medical orders. There the baths are immediately under my own supervision.

2844. Are you consulted about the general system of baths, or have you any sort of supervision over them or responsibility for them?—No; if I were to make perhaps any statement about abnormalities it might be attended to, but I am never supposed to have anything to do with it.

2845. Have reports ever reached you of any of the prisoners, especially treason-felony prisoners, being obliged to bathe in the same water with others?—No.

2846. Is it consistent with your knowledge that a man suffering from any form of skin disease, or any form of syphilis, might bathe in the water immediately previous to another convict?—I should say it would not be advisable for him.

2847. Is it consistent with your knowledge that such a thing has occurred?—I do not know that it has occurred. I do not know an instance of its having occurred.

2848. Might it occur?—Yes, it might occur.

2849. It might occur?—It might occur, but if a man had a very bad skin disease he would be in the hospital.

2850. But supposing a man has a certain amount of tertiary syphilis about him, is it possible that he might bathe in a bath in which another would be directed to bathe after him?—I should say a case of tertiary syphilis would be in hospital. I do not think there is

a single case of tertiary syphilis in the prison at the present time.

2851. You said that a man might be called to bathe in a bath in which a man with skin disease, or a certain kind of syphilis, had previously bathed?—I do not say that it is impossible, but I think it improbable.

2852. Have you known of men to the number of five bathing in the same water one after another?—I should say in this prison it is not so.

2853. Is it so in the infirmary?—No.

2854. In the infirmary does each man get a separate bath?—Yes.

2855. Do you think that, or are you aware that the water is changed for each man?—I cannot answer that positively. The principal infirmary warder is the man who looks after the bath, but the baths ordered there are generally medical, the medical and other baths.

2856. But although the warder is responsible, do you not think that you are in a certain manner the supervisor of the bath system in hospital?—Yes; I do not believe that it exists.

2857. Have you observed any effects on the eyes from the glare and dust in this prison?—It certainly has a certain weakening effect sometimes, this glare of the stone.

2858. A weakening effect on the eyes?—Yes; but it is one that you get used to after a time. A year or two after you are here you suffer a good deal less than at first.

2859. Is the bread-and-water punishment frequently employed here?—Yes, it is as frequently as in most prisons.

2860. Do any cases come before you, or have any cases come before you, in which the ill effects produced on the system of the convicts seemed to be attributable to constant bread-and-water diet?—Yes, sometimes. A man suffers certainly from bread-and-water diet.

2861. In what does he suffer?—His general health becomes lowered, so that you will have stunted development in the glands, and so on. You will see that a man's health is becoming actually deteriorated and below par. Very often it develops itself in that way; in some instances scrofula shows itself.

2862. Then, in the case of men under continual punishment, bread and water, perhaps, one week, and, perhaps, again in a fortnight, they are most likely to suffer in health?—They cannot do otherwise than suffer.

2863. Do you see men undergoing bread-and-water punishment often?—Every day.

2864. If you find that in your opinion a man's health is deteriorating under it, have you the power of reporting it?—I have the power of requesting his immediate release, or ordering some other form of punishment.

2865. Have you made those requests?—Yes.

2866. Have they always been attended to?—Always.

2867. Always?—Always.

2868. Do you know of any man who has been permanently injured by long continuance of bread-and-water punishment?—There are a good many of the prisoners whose healths have suffered from constant punishment.

2869. Have you any supervision over the bread and the other elements of the diet?—Yes, I inspect the diet. I am supposed to have a general supervision over it.

2870. To what does that supervision extend?—I often inspect it. The hospital diet is the same as that supplied to the prison, and by inspecting that I inspect the prison diet as well; and I also inspect the diet in the prison kitchen at odd times.

2871. Did you ever inspect the flour, tea, and meat in the raw state?—Yes.

2872. And the other elements of the diet of the prison?—All of them.

2873. Have you had from time to time occasion

to make complaints of the quality of the diet?—Very seldom.

2874. But you have in certain instances?—Now and then; and when a thing has been condemned it has always been sent away. Whenever any man comes in that is not considered right there is a board assembled on it; the governor, myself, and the steward generally.

2875. Do you think, as a general rule, that the bread is sufficiently baked here?—I think so.

2876. Have you heard any complaints against it?—There might have been one or two while I am here.

2877. Is it the same bread that is used for the infirmary and for the convicts in general?—The same.

2878. If a man gets sick in his cell at night is there full facility for his sending for the medical officer?—Yes.

2879. And are you, or the assistant-surgeon, sent for from time to time to see persons sick at night?—Yes.

2880. When did it last happen that you were sent for at night?—As a rule the assistant-surgeon does it, and therefore the last time I did it was an evening during his absence; about a fortnight ago, I think, now.

2881. What hour of the night was it?—I think about 10 o'clock.

2882. Have you, as a matter of fact, yourself ever been summoned in the middle of the night?—Yes; when the assistant-surgeon is away I have always undertaken to come down. I used to do a good deal of it when I was assistant-surgeon myself, but not lately.

2883. If the assistant-surgeon found a case very difficult would he summon you?—Yes.

2884. And has that occurred?—Yes; the last case was a case of stragulated bowels, and I was sent for at night.

2885. If a man were attacked by diarrhoea, would he have proper facilities, in your opinion, for purposes of nature at night in his cell?—Yes.

2886. If he had a smart attack of diarrhoea from physical circumstances, necessitating his going to the watercloset, can he do so?—I believe the rule of the prison now is, that a man uses his utensil at night, because it is very awkward, I believe, to let a man out of the cell at night.

2887. It is so stated; but has it come to your knowledge that any instance has really occurred in which a convict actually sick from diarrhoea, and who, under ordinary circumstances, would be allowed to go to the watercloset, was not afforded proper facility?—I have never known any injury to health from it.

2888. I believe that if a man does use his chamber utensil at night he is reported for having done so?—If he is suspected of using it unnecessarily, he is reported.

2889. We have been informed, as well as I remember, that he is reported in every instance, and that then it requires the report of the medical officer to say whether he has used it unnecessarily or not?—That is a question of discipline that I am not acquainted with.

2890. But, as a matter of fact, have you been summoned before the governor and asked as to your opinion if a man had a necessity to use his chamber-vessel for the purpose of evacuating his bowels at night?—Yes, I have been summoned, but the assistant-surgeon would generally give that information. If a man gets a couple of aperient pills, it would follow that he cannot help using his pot at night.

2891. That is a clear case, but supposing a man has been forced, for purposes of nature, to use his pot at night, and that you are applied to?—I should endeavour to go into the case as well as I could and give an opinion on the exact way that I thought it was.

2892. Might I ask you how you could possibly tell?—I would say that I would give as good an opinion as the nature of the case would allow me.

2893. How could you ascertain that a man who said

it was necessary to evacuate his bowels at 12 o'clock last night really required to do so or not?—If the man had violent diarrhoea I should expect to find the pot very full; a good deal there. If there was only one evacuation, I should imagine he had not been very bad; and then, if I had any doubts about him, I would admit him into hospital, and place him in an "observation ward" and make him use a close stool.

2894. If a man had used his chamber-vessel for this purpose and was reported for it, and you, when you were assistant-surgeon, were required to give evidence on this point, I want to know what evidence you could give as to whether a man who stated that it was necessary to evacuate his bowels at 12 o'clock last night was really under the necessity of doing so, or did it merely for the purpose of giving annoyance?—It is impossible for me to give a direct opinion on that point, because I cannot do it.

2895. Then you admit that you have no data to go upon?—Except the secondary data of using my observation, which we are obliged to do with these men; but I could not positively say that he could help using his utensil. As a rule I think, the evidence I have as to the amount after diarrhoea is a good rule. If a man's bowels are opened once in diarrhoea I think they would, as a rule, be opened twice. If he had actual diarrhoea they would be opened more than once. If they were only opened once, and that was a natural evacuation, I would say that I would consider he had not got diarrhoea, and that he might possibly retain it if he chose to do so.

2896. Do you think it would be a safe or a prudent or a proper course to recommend a man or any number of men, if they have a natural desire to evacuate their bowels, to retain these evacuations?—No, certainly not.

2897. Have you any supervision of the punishment cells, including the dark cells?—Yes, I visit them every day. All men that are under punishment I visit daily.

2898. If you find a prisoner in a dark cell or a punishment cell, who is in any way deteriorating in health, could you recommend his removal at once?—Yes, from that cell, or from the prison altogether.

2899. Have such things occurred?—Yes.

2900. Have your recommendations in that respect been attended to?—Yes.

2901. I believe corporal punishment is not resorted to in this prison?—It is.

2902. Have you the supervision of men subjected to corporal punishment?—I have.

2903. If a man is ordered for corporal punishment how does he come under your notice?—I examine him, and ascertain that he is fit to bear corporal punishment. After that I am present at the corporal punishment, and if during its administration I consider the man not able to bear more I should request them to take him down and to cease.

2904. Would it be imposing too much trouble to ask you to be good enough to put in a return of the time spent in the infirmary by each of the 11 treason-felony prisoners now the subject of inquiry?—I can give it to you. I have it here.

2905. Perhaps you would be good enough to order a return to be taken out of that?—Yes. I have the date of their admission, date of discharge, and disease for which they were admitted.

2906. Also copies of their case papers for the time they were in the hospital?—Very well. Those case papers necessarily are very brief. They are not notes we are supposed to keep officially; they are more for our own guidance.

2907. Those notes are sent from prison to prison, are they not?—No, that is the medical history. These case sheets are never sent about.

2908. Have bulls been prevalent here?—Yes, they are prevalent.

2909. Is there anything in the diet to which you would attribute their prevalence?—Well, I suppose anything that tends at all to keep the body rather below par tends to develop boils.

Mr.
E. A. Baker.
14 June 1870.

26.
E. S. Barker.
14 June 1870.

2910. Are you aware that potatoes are not part of the rations now?—Yes.

2911. Are fresh vegetables of any kind used now?—No, except in the hospital.

2912. They are used in the hospital?—Yes. I have potatoes still there.

2913. You have potatoes at the hospital and fresh vegetables?—Yes. There are onions, I believe, used in the soup here.

2914. For what length of time is there a want of fresh vegetables and potatoes in the diet going on?—Want of potatoes for about three months in the year, but they have carrots and onions in the soup.

2915. Have you yet observed any bad effects from it?—No.

2916. Have you seen any appearance of a scabulous tendency?—I have observed one or two since I have been here.

2917. I mean since the cessation of the supply of vegetables?—This year not one; last year we had one or two.

2918. Is a spongy state of the gums observable in any instance, or a scabulous state?—No.

2919. I will ask you to hand in a return of the time spent by the treason-telony prisoners, non the subject of inquiry in the hospital, and a copy of the case-paper relating to each of them?—I will.

2920. (Chairman.) Perhaps you will forward it to the secretary, No. 5, Parliament Street?—I will.

2921. (Dr. Greenhouse.) Do you examine every prisoner on his arrival in the prison?—Yes, as a rule, the assistant-surgeon doing so in my absence.

2922. But when you are here you always do it yourself?—Yes.

2923. How long does that examination take you for each prisoner?—I always examine the lungs and the heart, ask if he has anything the matter with him, turn him round and look at him all over. Some men take a longer time than others. If a man appears healthy he is got over quickly; if he appears to have any disease he is thoroughly investigated.

2924. Do you keep any record of these examinations?—Yes.

2925. If you examine the chest do you keep a distinct record in every case whether you find the lungs healthy or diseased?—Yes, that is stated now in the hospital sheets; some time ago it was in the reception book.

2926. I should like to see those records before we go away?—One of the records we have at present is the hospital sheet—the history sheet.

2927. But the "history sheet" does not give any account of the state of the man's lungs?—I have another book in which the lungs and heart are recorded, with observations under each.

2928. My question goes to this extent: if you found the percussion sound and respiration normal all over the chest you would take no note of it?—No; simply "good health."

2929. For what purpose is this examination made?—In order that I may see that they are fit to be received into the prison, and whether they are fit for hard labour, or for ordinary or light labour.

2930. "That they are fit to be received into the prison." Then if you find a man suffering from severe disease you would not receive him?—I should receive him into hospital and report the case.

2931. How frequently are the prisoners inspected by you after their admission?—Once a week.

2932. Every prisoner once a week?—There is a parade on Sunday morning; they are all drawn up in file, and I pass down and view the whole of them every Sunday morning.

2933. In what manner do you view them?—I simply pass by them. If a man has a complaint to make he can do so.

2934. Do the prisoners partly undress?—No, they do not undress at all.

2935. Do they take off their hats?—They take their hats off.

2936. Are the prisoners weighed here?—Yes.

2937. Periodically?—No, not periodically.

2938. They are weighed on admission and on discharge?—Weighed on discharge, and those complaining of illness weighed very frequently as well, constantly weighed.

2939. If you found that a man was losing weight, what would you do?—He is placed on light labour, or admitted into hospital if his case seems to be a bad one.

2940. You said some time ago that a prisoner on arriving here takes a bath before he is medically inspected. Is that so?—It is so.

2941. Without reference to whether he is in good health or not?—Yes.

2942. (Chairman.) A cold bath?—No, the bath is always warm.

2943. That is administered before he comes under your notice?—It is.

2944. (Dr. Greenhouse.) There is no discretion on the part of the warders with regard to that bath?—I do not think there is. A man comes here, and brings a certificate that he is fit for removal.

2945. Do you examine every day the prisoners undergoing penal diet?—I inspect them every day.

2946. And if you found that the penal diet was not agreeing with them would you have the power of altering their diet?—Yes.

2947. And practically you do so occasionally?—Yes.

2948. Have you power to order extras for persons not in the hospital?—I can recommend extras if I see a case in which I think there absolutely necessary.

2949. Has the order always been complied with?—Yes.

2950. Have you found any of the diet to disagree with the prisoners—the gruel, for example?—No.

2951. You have had no complaint that the gruel causes indigestion?—I believe there have been a complaint or two of that sort made.

2952. But you did not attach much importance to those complaints; you do not think it does?—I do not. Complaints of prisoners are things that we have daily to do with.

2953. If a man did not eat his food would it come under your knowledge?—Yes.

2954. And what would you do in such a case?—I should send for him, see him, examine him, and most likely admit him to hospital under observation.

2955. And if a man went on not eating his food for some days, or for several weeks in succession, what would be your course?—I should take him into hospital, or place him under hospital treatment in the cells, which is sometimes done. He would be under my care.

2956. If a patient here were to complain of spitting of blood would the assistant-surgeon deal with the case without referring it to you?—Yes.

2957. Do you think that a case of real spitting of blood ought to go on without being admitted to hospital?—He would not be allowed to go on.

2958. He would be admitted into hospital?—He would.

2959. If a prisoner states that he has had spitting of blood, and is allowed to go on light labour, you infer that it is not hæmoptysis?—No, not what could be called hæmoptysis; there might have been spots charged with blood; that I should say is not hæmoptysis.

2960. If the assistant-surgeon saw a man having hæmoptysis with cough would he report that case to you to examine?—No, not if he considered himself competent to deal with it.

2961. It would be quite possible for a case of hæmoptysis with cough to go on without your knowledge?—I should say it would be very slight; it could not come under the term hæmoptysis. I suppose the term hæmoptysis would mean spitting of blood from the lungs.

2962. I asked you that question because you stated that Molebly had slight hæmoptysis or blood spitting, and got a cough mixture, and I inferred that this

might have been indicative of phthisis, and I wished to ascertain whether, in such a case, the assistant-surgeon would not or ought not to report the case to you?—I am quite positive that the assistant-surgeon in these days examined the man's chest. I have not the slightest doubt that he did, from my knowledge of the man, and the knowledge he had of his profession. He was not the man to allow such a case to go on without active remedies.

2933. You speak of Dr. Busan?—Yes.

2934. How long was Dr. Busan here?—About a year.

2935. Is phthisis a common disease here?—Yes. It is.

2936. Do you think that the phthisis you meet here is in general from causes incident to prison life?—I think most of those who come in that have phthisis are men who previously had impaired constitutions.

2937. You think that it is rather developed in the hospital than existed in the hospital?—Yes.

2938. You do not think that prison life, or prison employment, or prison diet tend to excite phthisis?—No, not in any great degree.

2939. Do you observe that the men who work in the quarries have more phthisical disease than other men here?—As a rule there is a great difference. The men who work in the inside places have as many of them men recommended for those inside borst, and therefore they may be men not so strong as those in the quarries. For instance, many of the men in the wash-house, and many of the men in the tailors' shop, are all supplied on medical recommendation.

2940. Have you many instances of disease of the heart?—No.

2941. Have you known infectious diseases to have been communicated from one prisoner to another?—No.

2942. You have not known the clothes from the infirmary to communicate infectious diseases to persons employed in cleaning them over in the wash-house?—Never.

2943. No such cases occurred to your knowledge?—Never.

2944. Is pneumonia a common disease here?—It is.

2945. What form does it assume?—Generally rather of a low type.

2946. Slow in its progress?—Slow in its progress.

2947. Is it fatal?—No, not generally so.

2948. They generally recover from it?—They generally recover.

2949. Is hernia common?—It is.

2950. Do you think hernia is caused by the work?—There is no doubt that it is in some few cases, but most men come here ruptured.

2951. And the cases of hernia generally exist on admission?—Yes.

2952. (Mr. Broadrick.) You spoke of boils being somewhat prevalent; are worms very prevalent?—No; those small thread worms are rather so.

2953. Do you attribute that to anything in the diet?—It is possible that the cheese may have something to do with them.

2954. You do not think that oatmeal diet is calculated to produce them?—Well, no; no.

2955. You spoke of having recommended a certain increase in the diet, especially in respect of bread; about what time was that?—I think it was about three years, or three years and a half ago. I cannot exactly say.

2956. Was the addition which you recommended such as to bring the diet up or nearly up to the old standard?—Oh, it would not have brought it to the old standard.

2957. By the old standard I mean the standard in use before 1864?—No, it would not.

2958. You said in answer to Mr. De Vere that a man of sedentary habits and delicate constitution would be more likely to break down on hard work.

Should you recommend for hard labour on first inspection a man whom you considered of delicate constitution?—Yes, he would go through his trial as to what he is fit for. If there is no physical defect in him to negative it he should be put to his trial to see what he is fit for; because I am no judge of their occupations before they come in; I simply judge of the physical being before me.

2959. Supposing, for instance, that a man was considerably emaciated, and had in your opinion a very delicate appearance and feeble pulse?—Then he would be physically unfit for hard labour, and would be recommended for light labour.

2960. That is what I mean. You would recommend him on physical grounds, but not on account of his previous habits?—No, not on account of his previous habits.

2961. (Dr. Greenough.) Is tape-worm common here?—No.

2962. You inspect the meat occasionally?—Yes.

2963. Have you ever found that the meat contained cysticerci?—Never.

2964. Are you familiar with the appearance of such meat?—Yes.

2965. And if you saw it you would condemn it?—Certainly.

2966. Do you think that there is anything in the diet which could cause what is called thread-worm?

—I think that any diet of an indigestible nature may certainly tend to the production of those things; but I do not see anything in the prison diet which would tend to produce them more than in ordinary places.

2967. Do you find the lumbago common here?—No, except amongst a few children outside.

2968. You have already said that boils are common amongst the prisoners?—They are.

2969. Have you any reason to suppose that they spread from man to man by contact?—No, I have not.

2970. You have not found them more prevalent in one class of prisoners than another?—No.

2971. Do you find men more frequently break down from phthisis during the earlier years of their confinement than during the later part of it, or the reverse?—The earlier years.

2972. You find that men often become phthisical during the earlier period of their confinement, but that if they pass beyond a certain time they seldom become so?—Yes, they do not.

2973. (Dr. Ligon.) You are not a believer in spontaneous generation?—No.

2974. Then you do not believe that worms in the human body emanate from dirt conveyed in?—Not unless it contains the germs.

2975. (Mr. Broadrick.) It has been stated that all the treason-felony prisoners suffered from worms; is that true?—I am not aware of it.

2976. Are you aware if any of those 11 men here have suffered from worms?—I cannot answer that question positively. I do not recollect. Yes, I think there is one. Yes, I think there is one of them, Shen; I forget really which of them. I think there was one that complained of worms. I think it was Shen.

2977. But not more than one you think?—I do not recollect more than one. I have not treated there all for worms; I believe I have treated one or two.

2978. (Chairman.) Had any such thing come before your knowledge you would not have forgotten it?—Certainly not.

2979. (Mr. De Vere.) Have you practice outside the prison, Dr. Blaker?—Yes, my practice outside is chiefly confined to the wardens' wives and children. I have not actual practice.

2980. You are not able to say whether the work in the quarries carried on by private enterprise seems to produce the same effect on the workmen as the work in the Government quarries does on the convicts?—No, not from my own knowledge. I never attend to those people.

The witness withdrew.

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Mr.
E. S. Blaker.
14 June 1879.

Rev. G. Poole.

The Rev. GEORGE POOLE examined.

14 June 1879.

3011. (*Chairman.*) You are, I believe, the Roman Catholic chaplain of this prison?—I am, my lord.

3012. Am I right in saying "Roman Catholic chaplain" or "visiting priest"?—Roman Catholic priest.

3013. How long have you been here?—Since the 18th July 1866.

3014. How many members of your commission have you now under your charge here?—I have over 300.

3015. Has that been about the average number?—The average number would not be so large. The numbers have gradually increased since the time I came here.

3016. Have you had every opportunity and reasonable facility given to you for the purpose of visiting the sick of your Church, and also for your religious administration?—Every facility.

3017. I think the erection of a chapel is comparatively of late date?—A room was given to me when I first came here, the same room as I now use for a chapel; it has been since then enlarged and fitted.

3018. I believe that some or most of the fittings about the altar have been constructed by the prisoners themselves?—With the exception of a small canopy over the altar.

3019. Than with regard to those prisoners whose cases are more particularly under our consideration, namely, the 11 treason-felony convicts, they all, I believe, belong to the Roman Catholic Church?—They are all entered on the prison books as Roman Catholics.

3020. Have you always had full facilities for any intercourse you wanted to have with them?—I have had every facility given to me.

3021. Have you received from them, in such a shape as you would feel justified in placing before us, any complaints as to their treatment, or any matter as all?—Has the question reference simply to the 11?

3022. Yes?—There have been complaints, but not complaints I could consider should be brought before you.

3023. (*Mr. Bradbick.*) Have you any reason to complain of the arrangements of this prison in any respect that affects the spiritual interests of Catholics?—Nothing whatever to complain of in that respect. Of course I am answering the question with regard to the 11 who are at present within the walls of the prison.

3024. I meant the question to be general. I meant it to include such matters as the distribution of books. Have you access to every prisoner who might wish to consult you?—I have every facility at the time they are not at labour to visit them in their cells, and during the whole time that they are within the walls of the prison.

3025. Have you any complaint to make with respect to the books supplied from the library?—I have no complaint whatever. There are certain books in the library, and the prisoners are at liberty to select from them. Of course those books are submitted to me before they are issued, that is, the catalogue. The list of the books is submitted to me, and I have the option of striking out of the list any book which I consider objectionable.

3026. Have you ever found that books have been distributed to Catholics in their cells which were not in the list approved of by you?—I am not aware that

I have. There have been books issued to them which I would myself consider objectionable, but because they themselves wished to read them I have allowed them to remain.

3027. (*Dr. Lyons.*) Do you consider that under all circumstances the prisoners have proper facilities for access to their religious duties?—Yes, sir, every facility.

3028. Can the prisoners in the infirmary, who are up and going about, attend mass on Sundays?—If they are able to walk so far as the chapel they are at liberty to attend.

3029. If a prisoner is under punishment in a penal cell or a dark cell, would he be allowed to attend divine service?—While under punishment he is not allowed to attend divine service. I should say while under governor's punishment.

3030. While under governor's punishment he is not allowed to attend divine service?—He is not.

3031. With regard to the treason-felony prisoners, 11 in number, did they, as a matter of fact, hear mass last Sunday?—Last Sunday they did not.

3032. So far as you are concerned would it have been possible for you to arrange that they should?—It was left more or less to my discretion, and so it was I believe the wish that they should not attend—not the wish of the directors, but the wish of the Commission, I believe—that they should be kept to themselves, and not communicate with one another until after the Commission arrived.

3033. You do not mean to imply that it was the wish of the Commission that they should not attend mass on last Sunday?—Certainly not; but from what I read I believed it was the wish of the Commissioners that they should not be allowed to communicate until the Commission took place. If they had gone to chapel they could have communicated one with another.

3034. Do you not think that it would have been possible to arrange them so at the chapel that they could have heard mass and not communicated with each other?—I consider it utterly impossible unless they had been mixed up with the other prisoners.

3035. But if they had been mixed with the other prisoners do you think it possible that they could have attended mass without communicating one with another?—It might have been possible; but the treason-felony prisoners have always been kept to themselves and not mixed with the other prisoners, and that is a matter of discipline in the prison.

3036. Would it have been possible for you to have said a special mass for them, and to have them placed in the chapel apart from each other and under the supervision of their warders?—It was not in my power, as I had to say two masses already.

3037. Except that prisoners under governor's punishment have not any facility for hearing mass on Sundays, is there anything else in the arrangements of the prison discipline affecting the prisoners in general, and the treason-felony prisoners in particular, with regard to their religious observance, that you have to complain of?—None whatever.

3038. (*Dr. Greenhouse.*) Have you free access to the prisoners when they are in the cells undergoing punishment?—Free access.

The witness withdrew.

Mr. G. Clifton.

Mr. GEORGE CLIFTON recalled.

3039. (*Chairman.*) You hold some papers; what are they?—A copy of the instructions received from Mr. Fagan, Director of this prison, relative to the treatment of the treason-felony prisoners. The second one is a written copy of the replies made by the treason-felony prisoners on the last occasion of my asking them. This is a copy of the instructions I received on the liberation of those eight men by the Queen's pardon. In reference to the gratuity I find,

my lord, that I was wrong in saying £1. was given to each. £2. was given to each. I gave them 10s. subsistence money, and they got a second-class fare wherever they went to, and they went to Cork and Dublin. But I find that several of those men were liberated on the Queen's pardon while they were in the probation class, and not having earned anything. This is a copy of the two last reports made against the treason-felony prisoners for playing hockey under

the shed, and their admission that they would continue to do so. I hand in an exact copy of the application book to myself, with my replies recorded therein; every report against the prisoners, an exact copy in my own handwriting, thinking there might be many questions about the letter writing. I have a return

prepared showing the exact number of letters written and received by the treason-felony prisoners here. I can also furnish a return of the letters written and received, giving the date of reception of every letter.

Mr. G. Clynch.

14 June 1870

The witness withdrew.

The Commission adjourned.

Woking Prison, Saturday, 18th June 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. G. C. BODRICK.
S. E. DE VEE, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

MR. WILLIAM FAGAN examined.

Mr. W. Fagan

14 June 1870.

3040. (Chairman.) Mr. Fagan, you are one of the directors of convict prisons?—Yes, my lord.

3041. How long have you held that office?—Since the 1st January 1863.

3042. What prisons are under your care?—Woking, Portsmouth, and Chatham. I am also an inspector of military prisons.

3043. Perhaps you would just explain to us what the functions and powers of a director are in his individual character?—Well the functions are the same as of a magistrate inside a prison, with the same power as a board of visiting justices. It is laid down by Act of Parliament. These are the powers that a director possesses inside a convict prison:—the same position as a board of justices would occupy in a county prison; all its finances, and all its government, and internal management, are subject to my supervision.

3044. For instance, with regard to the diet, you have the same power of altering the diet, and no more, than visiting justices would have, without reference to head quarters?—I would have no power to alter the diet, because the Secretary of State approves of that. I would have no power to alter what the Secretary of State approves of.

3045. You would have power to inflict punishment, which the governor cannot?—I can inflict the punishment which a board of visiting justices can. I can award corporal punishment to a prisoner. I can sentence him to close confinement on punishment diet for 28 days, varying only each fourth day by penal class diet. If he is a man who has committed an assault on a warder, I can place him in cross-irons, not exceeding six pounds in weight, and restrict him to a dress such that every officer will know he is a person who has committed an assault on one of themselves.

3046. With regard to appeals against any decision of the governor, are they left to you?—Always left to me, my lord.

3047. How often are your visits made?—Once a month at least, and more frequently if there is fresh complaint or anything to require more frequent visits to be made.

3048. Will you be kind enough to describe the process by which a man who supposes that he has something to complain of in the conduct of a warder, supposing that the governor has investigated it, and decided that there is no ground for complaint, brings it before you?—He would notify to the governor that he was not satisfied with his decision. First of all he would tell the principal warder of the hall that he wished to see the governor, and when he came to the governor he would say to him then, "I wish to see the visiting director at his next visit."

3049. Is that recorded then by the governor?—That is recorded by the governor.

3050. It is recorded in a book called the governor's application book?—In a book called the directors' application book. Then at my visit he would see me, and he would appeal to me on the case, and I would immediately send for the evidence that appeared before the governor, and I would also have the case as it was recorded in the governor's jurisdiction book, and I would satisfy myself to the best of my judgment whether the governor had acted fairly or not.

3051. In such a case would the prisoner be confronted with the warder?—Well that is a rule that I always exercise, that all the evidence in the case be gone into, and that the prisoner be allowed to ask any questions that he might think proper.

3052. Of the person whom he makes the charge against?—Yes. If there were two or three witnesses I would separate them, and have only one of the men present at the time.

3053. What power has a prisoner of calling witnesses in support of his allegation?—He would tell me who he wanted to call and I would call them.

3054. Suppose that he wanted to call as witnesses one or two of the prisoners who were associated with himself, what would you do?—That we would not allow. We would not allow him to call on the evidence of prisoners. That has never been the practice. We should never allow such a practice as taking the evidence of a prisoner directly. I have frequently asked another prisoner afterwards, but I would not have him at the inquiry. I might try and get the information by seeing the other prisoner in the ward, or in some special way; but I would not draw attention to it. We should never dream of calling a prisoner up in support of another prisoner's statement. I may add, while we are on the subject, that I have frequently cancelled the punishments awarded by the governor to prisoners.

3055. You have frequently cancelled the punishments awarded by the governor to prisoners?—Yes, I have frequently cancelled them. I could not cancel his giving the bread and water, for that had been done, but I have often restored the man's marks, if I was satisfied that the officer did not give his evidence in a candid way. I would not let the prisoner know that I disagreed with the governor, but I would say to the governor "There are circumstances which call for the cancelling of this sentence." You must be very careful in interfering with a governor's power, and you must do those things in a judicious way so as not to interfere with his power.

3056. I think there are eight treason-felony convicts in this prison at present?—I think there are, my lord. I have not got the memorandum.

3057. At the time they were sent here, were there any special instructions given by your board, or by yourself to the governor as to their treatment?—There were no special instructions from the Secretary

Mr. W. Fagan.
15 June 1870.

of State or the board; but when I came down here I suggested to the governor that it would be better to keep them separate.

3058. Did you suggest that it would be better to keep them separate from each other?—Separate from the ordinary prisoners. The men saw me as a body, and complained of being brought over here. We considered it an objectionable thing, I think, that they should have come to the English prison at all, but we could not refuse it. They came and said they had grievances to complain of.

3059. To what grievances did they allude?—That they were away from their friends, and from indulgence that they would get in their own country; that you could not expect their friends to come over here, or to a distant land to see them, as they would in Ireland; that a prisoner could be visited by his friends according to our rules, and the same rules applied to Irish prisons that does to ours.

3060. In consequence of complaints they made to you, you took it upon yourself they should not be allowed to associate with one another?—No, they never complained of that, but they complained of being associated with the ordinary felons in this prison.

3061. Then you took upon yourself that they should be kept separate?—Separate from the ordinary criminals, and they are still treated in that way.

3062. Then in point of fact they have been kept as a separate little community?—Yes, as a separate class.

3063. Will you allow me to ask you, what arrangements have been made by you, or what directions have been given by you with a view to the present inquiry?—A copy of the communication that your secretary sent to us was sent down here for the governor to carry it out.

3064. Then the governor will tell us how that has been carried out?—Yes; he submitted certain points to me and I approved of them.

3065. (Mr. Bradick.) When you say that a director has the ordinary powers of visiting justices, is it the practice for them to have the cells thrown open and to invite complaints from any persons who choose to make them?—In the case of men who are under coercion, that is, locked up under punishment, that is always done. I see the ordinary prisoners at their labour, but I do not invite complaints from them individually.

3066. In what way does an ordinary prisoner notify his desire to see you?—Through the governor; or if he was in the infirmary in this place, it would be through the medical officer.

3067. Would it be possible for the governor to suppress such a complaint?—Oh, it would not. It would be a most dangerous thing for him to do. I do not think he could dare to do it.

3068. Supposing a prisoner has some grounds of complaint against his medical treatment, what redress would he have?—I should ask the doctor to be present, and as far as I could understand it, I should inquire into the prisoner's grounds of complaint.

3069. Is there any special medical authority to which the board of directors are in the habit of referring any medical case?—No; but a sum of money is in the estimate to pay for special consultation.

3070. Supposing a case of complaint against the governor himself of oppressive treatment, in what way should you hear such a complaint?—I should hear it in the presence of the prisoner. I should get the prisoner to put it down in writing; and if I thought that there was any ground for it, I should lay it before the chairman of the board of directors to consider whether the governor's conduct should be submitted to the Secretary of State or not.

3071. Should you hear it in the governor's presence?—Oh, clearly.

3072. Certainly?—Certainly.

3073. Would it be possible for the prisoner to see you in the absence of the governor if he were to

request it?—No; I think not. I do not think I would consent to that.

3074. What power do you exercise over the letters of prisoners? How far is their privilege to write letters within your control?—The prisoner would write his letter according to his class. He would notify his wish to write. The schoolmaster keeps a register under the chaplain, of prisoners by classes, entitled to write. He is allowed to write every four, or three, or two months according to the class he is in. The chaplain at the school hours would issue paper to those men, and it would be recorded in a book kept for the purpose.

3075. Are the prisoners sometimes allowed to write letters, so to speak, out of their turn? Is not special permission sometimes granted to prisoners to write letters to their friends?—Oh, frequently.

3076. Application for that purpose should be made to you?—Yes. No party in the prison would have the right to give that permission out of the ordinary course.

3077. The governor would not have that power?—No.

3078. Do you remember applications made to you by treason-felony prisoners, for permission to write such special letters?—Oh, frequently. To-day, Mulcahy, Power, and Ransome saw me, and they all asked me for permission for special letters, which I granted.

3079. Are you able to state whether you have frequently granted that indulgence?—Almost every month when I come down.

3080. To those treason-felony prisoners?—To those very men, so long as they see not under a report.

3081. All such letters I presume would be read?—Oh yes, both in coming and outgoing.

3082. With respect to the visits of the friends of prisoners, what power do you exercise; is that within your jurisdiction also?—It is entirely according to the man's class. If a man has a privilege, he gets it and claims it, and on his claiming it, it is looked into, and there is an order sent to his friends. I should not think, even under exceptional circumstances, if one of those men was getting a special letter, to prevent it. In fact, so much letter writing is equal to so many visits.

3083. Then you look upon the greater liberty of letter writing allowed to those convicts as in some degree a compensation for the difficulty of receiving visits from Ireland?—Yes, and they put it that way themselves: "I wish a special letter this time, as I am due for a visit; I hope you will give me a letter in lieu of it;" and I say "Yes." It came almost originally from themselves.

3084. You spoke of the difficulty of seeing their friends as one of the hardships of their being confined in England?—Yes.

3085. Can you mention any other hardship resulting from their being transferred to England?—I think that the principal one.

3086. Have they complained to you of their treatment in Irish prisons, or the contrary?—No; I do not recollect that they ever complained to me of their treatment in Irish prisons; not any of the men now in prison.

3087. Have they ever complained to you of their treatment here being severer than their treatment in Irish prisons?—No; they complained to me here of their treatment in this prison and in other English prisons; but they did not make any comparison between their treatment in English and Irish prisons.

3088. If I understand you, they complained chiefly on the ground of their being more or less associated with ordinary convicts?—Yes.

3089. Have they ever complained to you of their having been treated worse than the ordinary convicts?—Oh no.

3090. I think you said that they were allowed to talk during work; how is that?—Here we have never got any work from them lately, but during exercise they were allowed to converse.

3091. What is the rule on that subject? Have they been allowed to talk freely during exercise?—Yes.

3092. I need hardly ask you whether in the dormitories we saw they could speak to one another?—You could not stop them.

3093. (*Dr. Greenhow.*) When letters to or from the prisoners are read are they ever detained?—Yes, they are.

3094. On what ground?—On the ground of what is contained being objectionable matter, political information, or abuse of the authorities, abuse of the Government, and many things of that sort. And, speaking not with regard to the treason-felony prisoners, many letters are suppressed on the authority of information we receive that the person writing the letter was a bad character. The rule is that the prisoner is allowed only to keep up communication with the outer world with those friends who are considered and known to be respectable.

3095. But you have not applied that to the treason-felony prisoners specially?—No.

3096. As a matter of fact, have you detained many letters which came for, or were sent by, treason-felony prisoners?—Formerly we have detained a great many.

3097. Have you detained many letters sent for the prisoners?—Yes.

3098. Have you detained many letters sent by them?—Yes, we suppressed them because they contained statements in abuse of myself or of the governor or of the Government.

3099. Have the treason-felony prisoners been treated in any exceptional manner?—In the way I have described; so far as having special letters, special visits from friends, and special books.

3100. They have had special visits?—Yes.

3101. That is, they have had visits that were not due to them?—Yes.

3102. As a matter of favour?—As a matter of favour; and I wish to add that they have been allowed to see each other's friends. Supposing the friends of one man came over, and that they were acquaintances outside, we never would allow applications of this sort by the ordinary convicts.

3103. Then they in point of fact have had indulgences which the other convicts have not?—They have.

3104. I clearly understand that?—And I clearly understand your question, and clearly understand my answer.

3105. (*Mr. Brodrick.*) In respect of diet have they had any special indulgence?—They have. A medical recommendation was submitted to the Secretary of State, and the Secretary of State approved of the medical recommendation.

3106. Have they not all been placed on full hospital diet?—Yes, while in the hospital, and the doctor requested a special diet when they are out of the hospital.

3107. (*Dr. Greenhow.*) Would the mere fact of a letter containing unfounded complaints lead to its being withheld?—Yes.

3108. Have letters been withheld on that ground?—Yes.

3109. You said that you have never got any work done by the prisoners here; how is that?—They have generally been more or less in hospital; they are here for medical treatment.

3110. Have they had special medical treatment?—Special medical treatment.

3111. Have they been treated differently with regard to ordinary work?—Yes. I have been told at my visits that they were idle, or not much work got out of them according to their health; and they have not been subject to any forfeiture of their marks on that ground as the other prisoners would have been. It all comes to that.

3112. What complaints have they made of their treatment here; have they complained of their diet or of their clothing?—Not so much of these as of the

manner of the warders towards them; that was the principal thing; of the warders ordering them to do this and that, or of the governor being severe in speaking to them, or something of that kind.

3113. When they have spoken of the warders' orders, were these orders reasonable?—I considered them reasonable, and on investigating the complaints I could not satisfy myself that they had any just grounds of complaint.

3114. You have investigated some of these cases?—Oh, carefully.

3115. (*Chairman.*) Have you investigated all of them?—I should think all, my lord, except when on leave.

3116. (*Dr. Greenhow.*) You ordered the treason-felony convicts to be kept separate from other prisoners?—Yes.

3117. Did you consider that an indulgence?—No; I thought it more a matter of security. This is a very open, weak prison. I do not think that at the time I ordered it to be done that I had in view any special treatment. I considered it a point of discretion, for security merely, and then it grew from that.

3118. Not as an indulgence?—Oh, certainly not, but as a point of security. I considered the prison a weak one, and I was responsible for the safe custody of those men.

3119. You stated that they complained of being associated with ordinary prisoners as a grievance?—Yes.

3120. On what grounds did they so complain?—They complained of being associated with men who committed unusual crimes. That was carefully gone into by Messrs. Knox and Pollock. They have no means of knowing what a prisoner is in for. No warder even in the prison knows what a man is in for, unless he tells him. The only person who knows that is the clerk in the office and the governor himself.

3121. Then the prisoners do not know the crimes of which the prisoners who are associated with them have been convicted?—No; nor do the officers of the prison. They complained that they were associated with such men, but I investigated the case and there was only one treason-felony prisoner to be located in the hospital in one of those dormitories which you saw, and we were compelled to select two other prisoners to go in, it being one of the Secretary of State's rules that there must be three prisoners associated. Two invalids were selected and put in, and he was under the impression that these men were guilty of some unusual crime, which was not the case.

3122. Did you gather that the impression on the minds of the treason-felony prisoners was, that their crime was of a different character, and that they ought not to be associated with ordinary prisoners?—Yes; they have always called themselves "State prisoners."

3123. You said some time ago that these treason-felony prisoners were allowed letters in lieu of visits from their friends, in consideration of their being removed from their own country?—Yes.

3124. Now is it the fact that they have had fewer visits than other prisoners?—Yes, I think in point of fact that they have had fewer visits.

3125. I understood you to say that they had extra visits?—They had extra visits in this way, that when one man's friends came the other prisoners were allowed to see them.

3126. (*Chairman.*) I suppose you or the governor will be able to put on paper a statement showing what the allowance of visits and of letters would be in each class, according to class?—Oh yes, my lord.

3127. I think it would be very desirable if you or the governor can show us, in what this practice with regard to the treason-felony convicts has differed from that of the other prisoners, in limitation or excess?—You shall have that out of the visiting book.

3128. Give us a statement of the rules first as regards receiving and writing letters?—They are all the same, my lord, as regards every prisoner.

3129. (*Dr. Lysney.*) If a letter is suppressed on account of its being supposed that there is anything

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wrong in it, would the prisoner be allowed to write another letter in lieu of it?—Yes, generally I should say.

3130. Would that be as a matter of special favour, or as a matter of right?—I think there would be a certain discretion exercised. I have known cases where a man wrote in that strain, and the governor marks the letter that it would be suppressed, but that the prisoner may write in lieu of it; that is the practice in the first instance; and if the prisoner persists again in writing objectionable matter, the governor would not give him a second option.

3131. What are the classes of things that are objectionable in a letter going out?—All prison treatment; all reference to prison officers; and until a recent decision of the Secretary of State, the state of his health would have been; and that was laid down by Sir George Grey because it involved great trouble to the Home Office in consequence of the prisoners' friends constantly referring to the Home Office about their health.

3132. Who is the judge of the fact that the prisoners' letter is well founded or not?—I suppose the director would be, because he may ask that the letter be produced.

3133. What is done with those suppressed letters?—They are all kept for a certain time.

3134. Could these letters be produced for the inspection of the Commission?—All of them.

3135. Would you kindly give directions to have those letters produced at our next visit?—Yes.

3136. In case of the death of a prisoner's mother, wife, sister, or brother, or any other relative, and that a letter was received announcing it, would the prisoner be allowed to receive that letter, although it was out of time?—He would not be allowed to see it until the time arrived that it was due, but the information in it about the death would be communicated to him at once.

3137. But the letter itself would not?—It would not until the director approved of it.

3138. Supposing, as in the case of Luby, whose mother and uncle died very suddenly, would the information be conveyed to him of those deaths?—Yes; I should say immediately.

3139. How would it be done?—The governor would hold the letter in his hand, and say, "This letter is with regard to the death of so-and-so, and if you will ask the director at his next visit for the letter, he will no doubt give it to you."

3140. What interval might elapse between the receipt of that intelligence and the coming of the director?—I should say not more than three weeks.

3141. Supposing that the day after you leave the prison such intelligence arrives, what course would be taken?—The governor would send up specially to ask me.

3142. Supposing that it became necessary for the prisoner to take any action outside, in consequence of the death of his father, or mother, or wife, or any other near relative, and that he desired to write a letter in consequence of receiving such intelligence, would he get permission to do so?—Oh yes, as a special letter, but not with regard to the disposition of property; that we should refer to the Secretary of State, because he is inside this prison as dead, and we would have to get directions from the Secretary of State.

3143. But where a man is sentenced to be in prison for only a limited time, and it might affect his interests very materially on the expiration of his sentence to be enabled to communicate with his friends outside as to that property?—That we should have to refer to the Secretary of State. We should ask the man to put his statement in writing, and refer to the Secretary of State for his instructions as to whether it should be sent out; because as the law exists now, the Crown may seize on the property of a felon.

3144. You stated that the prisoners complained of being brought over to England?—I do not know that they complained of it; they mentioned it to me as a grievance at Portland, not in this prison.

3145. Did any of the prisoners in this prison make that complaint?—No. The greater number of them must have seen me at Portland, Captain Gambler, they have been transferred to this prison, except Dillon and Thomas Barker.

3146. Many of them went to Portland at first?—The whole of this batch with Ross, and I think and understood from my colleague, Captain Gambler, that they made the same comments when they were first received into Pentonville from Ireland.

3147. They complained that they were brought from Ireland to England?—Yes.

3148. And the weightiest of their grievances was that they were separated from their friends?—Yes.

3149. That the visits of their friends must necessarily be fewer?—Clearly.

3150. In consequence of being more difficult of accomplishment?—Yes.

3151. Do you know any other general complaints they made or grievances they complained of in consequence of their being brought over?—No, I do not.

3152. Might I ask you whether it is a customary thing to transfer ordinary felony prisoners from Scotland or from Wales, or from a great distance to any of those prisons?—All prisoners sentenced to penal servitude in Scotland and Wales come to England; they have no separate prisons there.

3153. That is, no convict prisons?—No convict prisons. There is a general prison in Perth, and they undergo separate confinement there, but after the nine months they come to us to do public work. In fact I think there are two or three men who were convicted of treason-felony in Wales, now undergoing sentence, and one man here.

3154. If circumstances came to the knowledge of a prisoner that made it necessary for him to have recourse to legal advice outside with regard to the disposition of property or otherwise, and that he would represent that to the governor or to you, how would it be dealt with?—It would have to be sent to the Secretary of State. I can tell you that every two or three months cases of that kind turn up.

3155. And what is his usual decision?—The Secretary of State, I think, has invariably allowed the prisoner to see his legal adviser.

3156. He has invariably allowed the prisoner to see his legal adviser?—Yes.

3157. Have any of the prisoners here to your knowledge made such an application as that?—I think not. They have made some application, I think, to see a legal adviser, and some commission, I think, went to Portland, but that is not within my prison inspection.

3158. But have any of the prisoners here made any such application as that?—No, not as far as I can recollect.

3159. If a prisoner complained that his health was falling off, and that he believed he was running down the hill, and if in consequence of apprehensions in his mind that he was going to die, he wished to be removed elsewhere, would such application be attended to by you?—Yes.

3160. Or would he be removed by the governor?—The governor would have no power in a question of that kind.

3161. How would it be dealt with?—It is very seldom that such a case does happen, but it actually has happened in the case of Doctor Power. He was sent away from Portland in consequence of the strong wish of his friends on account of the supposed bad state of his health. He was sent here and was dissatisfied with his medical treatment, and he asked me to remove him to Millbank, for he had great confidence in Dr. Gover of Millbank. I went to Parliament Street and laid the question before the chairman and my colleagues, and suggested that the man's application should be acceded to. It was sent to the Secretary of State, and he at once issued his warrant for the man's transfer to Millbank in accordance with his wish.

3162. Then he was transferred?—He was.

3163. (*Chairman.*) That is Edmund Power?—Yes.

3164. (*Dr. Lysons.*) Have any of the prisoners here been allowed special books which they have asked for?—Yes.

3165. What class of books have they been so allowed?—Many of them. Malenby wanted professional books to keep up his medical knowledge.

3166. Were they granted?—They were all granted to him by Colonel Henderson before he left our department.

3167. (*Chairman.*) Is Edmund Power here now?—Edmund Power has come back again, my lord.

3168. Under what circumstances did he come back?—The medical officer reported that he had not got any benefit by his six weeks or two months' detention in Millbank, and he recommended that he should be sent back again to Woking, as it afforded better air, and was better suited to his ailment; that he did not think there was any organic disease of a dangerous character.

3169. I find that he was removed to Millbank from Portland on the 26th March 1870?—That must be a mistake, my lord; it must be from Woking. (He handed a document, and reads: "7th November, Portland, removed to Millbank prison.") This is quite right, my lord; this is a Woking return signed by Captain Harris, deputy governor here. From Portland prison he was removed to Millbank.

3170. Oh, the word prison refers to Woking?—Yes, this is a Woking return, my lord.

3171. (*Dr. Lysons.*) As a matter of fact, was he at Millbank on the 9th November last?—No, he was here.

3172. (*Chairman.*) Give us, as far as you can, the history of Edmund Power, as far as it is within your own knowledge?—He was received into Millbank on the 23d March 1867, and he was removed to Portland on the 26th February 1868, and received on that day. He was removed to Woking from Portland on the 9th November 1869, and received on that day. He was removed to Millbank on the 28th March 1870, and received in Millbank on that day, and he was removed back to Woking on the 21st May 1870.

3173. (*Mr. De Vere.*) Have you had any correspondence with the governor of Portland prison since the 1st January last, with respect to the discipline of that prison?—Of Portland prison, no.

3174. That does not come within your beat?—No, unless there was a question brought before the board of directors to have our opinion upon, but not as a rule.

3175. May I ask you whether you have been the medium of any communication to the governor of Portland prison with respect to work done or refused to be done by the treason-felony prisoners there?—No.

3176. With regard to appeals, if a prisoner considers a sentence imposed on him by the governor excessive, has he the power of appealing to you?—To me.

3177. I think you said that he would have to enter his name with the governor as wishing to see you?—Yes.

3178. Now, if his name had not been registered for that purpose, could he personally ask an interview from you?—I do not think he could. I do not see very well how he could do it. In public works prisons they are generally sent by the director either marching out to labour or coming in from labour. We should not allow a man to fall out of the ranks and come up and speak to a director.

3179. Would you consider it a sufficient answer to give to a statement of your not attending to an appeal made to you by a prisoner that his name had not been set down by the governor for making that appeal?—Yes, I think it would.

3180. Then practically, what recourse has a prisoner in case the governor refuses to or neglects to record his name for an appeal to you?—Well, I can hardly imagine such a thing taking place as the governor declining to make such a return; he would lay

himself in the hands of so many officers about the place, who would be only too glad to take up the question against the governor.

3181. Would any of the officers be cognizant of the application of the prisoners to the governor?—Oh, certainly.

3182. In what way?—The governor would not venture to see a prisoner alone. As a matter of fact he does not do so. He would be liable to be accused or to have things said against him by the prisoner.

3183. I think you mentioned that the complaints made by the treason-felony prisoners generally before you, were far less or harsh behaviour on the part of the officers?—Yes; generally harsh behaviour.

3184. What would be the course they would pursue in making that complaint?—They would simply record their names to see me on my next visit to the prison.

3185. Then their course in originating a complaint before you would be the same course that they would have to pursue in appealing to you from a sentence imposed by the governor?—Yes.

3186. If such a complaint, which I may call an original complaint on their part, were brought before you, how would you investigate it?—I would investigate it in the presence of the accused; and as they have very often been very lengthy in their communications I often, rather than reject the matter which they were saying, and most generally speaking, made them put it in writing, and ordered paper to be bound to them to any extent.

3187. I am now referring to complaints of harsh treatment against a warder, not against the governor?—In this case, I have dealt with these men in that way, and I have invariably made them put it in writing, called in the officer, and read the statement in his presence, and asked him what he had to say in explanation.

3188. Does it often happen that there is only one warder present with a number of men?—Yes. We should consider that a gang of 12 or 14 men was sufficiently severe with one officer.

3189. Is a case of complaint against an officer for harsh and insolent language, where there were 14 or 15 prisoners present and only one officer, would you investigate it in any other way than by taking down in writing the nature of the complaint and asking the officer for an explanation?—No, I do not think I would. I would try and get other evidence, if possible.

3190. What further evidence would it be possible to get, except the evidence of prisoners?—I should not attach much importance to prisoners' evidence, certainly not.

3191. Then would it not come simply to this, that in such a case the prisoner would have no power whatever of appeal against the simple word of a warder?—Well, no; I do not think he has, except that we know every officer's character thoroughly, and can judge of the statement he makes.

3192. Now, Mr. Fagan, will you be good enough to state the regulations enforced in this prison with respect to appeals to the Secretary of State?—The ordinary course is that the prisoner applies to petition the Secretary of State, and the directors invariably grant it.

3193. To whom does he apply for permission?—He applies to me, when I am here, or if I am not here, and the governor thinks it urgent, he would send up the application. He would send up an application to allow the prisoner to petition the Secretary of State.

3194. Is there any limitation as to the number of those appeals?—There is no limitation generally speaking, except where a man petitions on the ground of his trial. On the justice of his trial he is only allowed to petition once a year, but in any other case he is allowed to petition any time.

3195. Have you ever known a case in which a prisoner has been refused the privilege on the ground that he had already presented a petition to the same effect within a certain time?—Not on the ground of

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a general complaint of his treatment in prison; but with regard to his having already petitioned and received a reply from the Secretary of State that there were no grounds for his interment; those things are only allowed once a year. The first petition of a convict regarding his trial or severity of his sentence, I believe it to be the inviolable practice of the Home Office to send to the judge who tried the case. With regard to other questions there is no limit, and the Home Office would be very much displeased if it was to limit a man's power of petitioning.

3195. Would you be kind enough to say what course exactly the prisoners would take in applying for permission to lodge that appeal?—Well, he would tell me that he had this complaint to make, and request authority to petition, and I would say "Yes."

3197. He should first apply to the governor to see you?—Yes, to see me. He is not called on to tell the governor what he wishes to see me about. In fact, as a rule, they do not tell the governor what they wish to see me about.

3198. I will ask you whether any notification is given to the prisoners themselves, either specifically or in a general way, of their possessing that power of appeal to the Secretary of State?—I do not think that is exactly that. I believe before they come to us that in those prisons there is such a notification, but after they come down here there is no such notification.

3199. You said that when the treason-felony prisoners came here you thought it better to separate them to a certain extent?—Yes.

3200. Did that separation extend to them on the whole?—Yes, so far as it was possible to do it.

3201. Will you state to the Commission in what way they were worked separately from others?—They were kept from the others by working at the same bench. I think Malins became a very expert carpenter. The man Dillon used to help him, when he was in good health. They used to work in that way separately. The officer was told not to cause them to associate with other prisoners, though they were working at the same bench. It was their own fault if they associated with other prisoners. They were not called on to mix with them.

3202. Did they appear to you to value that peculiar exemption?—Well, they did at first, but latterly I think they did not care about it; but first my impression was that they did value it. Some of the men who have been discharged particularly valued it. Kishlam, who was here, and three or four of the others.

3203. They seemed to feel the exemption a value?—Decidedly.

3204. I think you have said that the prisoners had not the means of knowing the crimes for which the prisoners associated with them had been convicted?—Yes.

3205. Is it not a very notorious fact in prison management that prisoners, when allowed to converse, speak in the most open way before each other as to their own guilt and the crimes for which they have been convicted?—No, I think not; that has not been my experience, and I have seen a great deal of prison life both in this country and in Australia. You never get the crime they committed out of them. They never do tell it, as a rule.

3206. (Chairman.) You mean that they will not tell it either to the officers or amongst themselves?—They do not; nor do they tell it amongst themselves, my lord.

3207. Would not a man be found who would sometimes boast of having committed a crime accompanied by circumstances of great bravery?—If that statement was compared with his actual conviction it would not be found at all to be the crime that he was convicted of.

3208. But would a prisoner not be likely, supposing he had committed a crime accompanied by circumstances of what he considered bravery, to boast of that in his conversations with the other prisoners here?—

Well, I think not as a rule. I have particularly in my mind's eye one particular case; the man was very silent and sulky about it. That was Cusley, a prisoner who was convicted of a burglary. He took a great deal amongst the criminal class in the prison, and I had to threaten to set him at liberty, but I recollect distinctly that he would not say what he was convicted for. In his case it was the second conviction, and the second time he had been a convict. He is now in Australia.

3209. (Mr. De Vere.) Who inspects the letters?—With regard to the treason-felony convicts would you ask, or the ordinary way?

3210. Just give us the ordinary way?—In the ordinary way they are read by the chaplain.

3211. I am speaking of letters both written by the prisoners and received for them?—They are all read first by the chaplain, but in the case of Roman Catholics they are not read by the chaplain.

3212. You mean the Protestant chaplain?—I mean the Protestant chaplain. He is the chaplain, because in England the Roman Catholic clergyman is only called a "visiting priest." When you say "the chaplain," it is understood to mean a clergyman of the Established Church.

3213. In the case of Roman Catholic convicts by whom are the letters inspected?—By the deputy-governor or the governor; nobody else.

3214. If any objectionable matter is found in their letters, either those which have come in or those which are going out, they are suppressed?—Well, not in all cases; they are not now, and in a great number of instances the objectionable matter is obliterated, and the letter passed out or in. I think that has been the invariable practice for a long time with reference to the treason-felony prisoners.

3215. But the rule is that they are suppressed?—In the cases of ordinary prisoners they would be suppressed.

3216. I think I understood you to say, that you have in your possession a number of their suppressed letters?—Yes; but I recollect that a great many were written within the first year or more, and that since then we have obliterated the objectionable matter and let the letter go on.

3217. When you did suppress letters they would be suppressed by the governor or the deputy-governor, whichever of them would have read the letter?—No, the governor is the only person who suppresses a letter.

3218. Are the writers informed whenever letters are suppressed?—Invariably.

3219. And are they then given an opportunity of writing an unobjectionable letter in place of that which has been suppressed?—They are generally.

3220. When letters are suppressed on the ground of unfounded complaints by the prisoners being contained in them, to whom is it referred to decide whether the complaint so set forth is unfounded or not?—I do not know. Whenever a man complained to me I have gone into the complaint he has pointed out. If it is a complaint with regard to their medical treatment, the doctor has been sent for, and consulted in it, and the letter suppressed in consequence.

3221. Suppose a prisoner's letter contained a charge against warden A. or warden B. for the use of harsh and insolent language towards the prisoner, would that letter be suppressed?—It would.

3222. Would there be any investigation as to the fact whether the allegations were true or not?—I think not; as a matter of fact there would not be if the prisoner put it in that way.

3223. You have already stated that letters are suppressed in consequence of containing unfounded complaints?—Yes.

3224. Would it be assumed of any complaint so made against an officer that it was an unfounded complaint?—Unless the prisoner brought it forward as a distinct charge and brought it before me to be investigated.

3225. Then any complaint made in a letter, which

had not been previously made the subject of a specific charge before you, would he held to be unfounded, and sufficient to suppress the letter containing it?—Yes.

3236. (*Dr. Greenock.*) You have some Welsh treason-felony prisoners here?—Yes.

3237. They are not included in our list?—I think they are. There is one man convicted in Wales of tampering with soldiers, Ryan, I think.

3238. Have the treason-felony prisoners been supplied with special books?—They have.

3239. On what ground has that been done?—Well, I suppose, I do not know there is any ground that I could give you, but it has been considered that it was a benefit to those men, and that they should have it.

3240. Has it been considered an indulgence?—An indulgence, decidedly.

3241. (*Mr. Broadbent.*) You have mentioned some indulgences which have been allowed to those treason-felony prisoners; by what authority has that exception been made in their favour?—In some instances it has been done by the authority of the Secretary of State, in other instances on the direction of the directors of convict prisons.

3242. Is there any general authority, is there any letter of the Secretary of State that could be produced generally authorizing a relaxation of discipline in their favour?—Yes; I think there is one of not very old standing, but of recent date, with regard to the diet of those prisoners, and that certain relaxations, as they were political prisoners, should be extended to them, as in other countries. I think that was the very expression that the Home Office made use of.

3243. (*Chairman.*) Where would that letter be?—It is in our office, I think, my lord.

3244. I think we ought to have that letter?—It is only a very recent decision, but there is such a letter my lord, and I think that in a great measure guided us.

3245. Mr. Fagan, will you be kind enough to produce that letter?—Yes, my lord.

3246. (*Mr. Broadbent.*) I am anxious to be clear on the right of petitioning the Home Secretary. As I understand, the right of petitioning the Home Secretary on the justice of a prisoner's sentence has been held only to arise once a year?—Once a year, as a matter of course.

3247. As a matter of fact, does it ever happen that a prisoner is allowed within a year's interval to petition the Secretary of State on other grounds, as, for instance, on the ground of alleged mistreatment?—Yes, certainly.

3248. That is a thing of frequent occurrence?—Oh, yes.

3249. And does it lie with the governor or with the director to permit it?—That special permission would certainly only lie with the director. The governor would not consider himself authorized to do it. The governor would consider a man authorized to petition at the end of 12 months as regards his case; but he would not consider himself authorized to permit him otherwise, without the directors' special permission.

3250. Would the governor then, have no power practically, of allowing a right of petition?—No, excepting in the ordinary once a year.

3251. That right would, we may say, be independent of the governor?—It would, certainly.

3252. (*Chairman.*) You stated, Mr. Fagan, with regard to the indulgences given in certain cases to the treason-felony prisoners, that some were conceded under the authority of the Secretary of State, and you gave as an instance of that the case of an addition to the diet. Others you said were given at the direction of the directors?—Yes.

3253. Can you classify the indulgences so as to show us what were given under one authority, and what were given under the other?—I think the indulgences of writing, of extra books, and special books, were given by the directors at each visit.

3254. And in any other respect, except that of diet,

you think the indulgence was not given under the authority of the Secretary of State?—I think not, my lord. I do not think there was any other.

3255. Do you wish to add anything to what you have said to us?—I do not, my lord.

3256. Mr. Fagan, you are aware that we have expressed a wish that the prisoners, during the course of their preparing their statements, shall not hold any intercourse with one another?—Yes, my lord.

3257. Are you also aware that in a letter addressed to you by the Commission, we conveyed an intimation of our desire that any restraint that may be considered necessary for securing that object, should not be construed as placing any difficulty in the way of their attending mass. In taking such steps as may be necessary to prevent them from communicating, do you see any difficulty in permitting them to attend mass?—No, certainly not; there is no difficulty about it.

3258. (*Dr. Lyons.*) You will take care that they have a proper opportunity of attending mass to-morrow?—Yes.

3259. (*Dr. Greenock.*) At the same time you will take care that there is no communication between them?—We must take the risk. It is surprising what ways they take to communicate. It is only to-day when they saw me passing that two of them were seen telegraphing to one another.

3260. (*Mr. De Vere.*) In the case of confinement in the dark cells, is there any system of periodical disturbance of the men at night?—Oh, yes; the same system exists here as in all prisons.

3261. How often at night?—He would not be more than half an hour at night without being visited, but not necessarily disturbed.

3262. And when disturbed would he be awakened?—No, unless they cover themselves in and put their heads under the blanket. The officer when he visits must know whether the man is sick or dead, or there at all. If a man laid himself down with his blanket off his cheeks he would not be disturbed at all.

3263. (*Dr. Lyons.*) When a prisoner is in a punishment cell, and Sunday falls within the period of his punishment, is he allowed to go to religious worship?—No.

3264. Would there be anything inconsistent with or impracticable in the prison discipline or arrangements, in allowing him to go to mass?—Oh, yes; it is never done; we could not do it.

3265. I am aware that it is not done; but I want to know could it be done?—It would be letting one off punishment, which would be a serious course.

3266. At the same time it would be submitting him to the most serious agency of reformation that is known to the human mind?—Yes, it would.

3267. I wish to know is there any impossibility in the matter. Take the case of a Catholic, with whom it is the highest obligation to attend mass on Sunday. Would there be any impossibility of sending him to mass on Sunday?—Except that it would be a relaxation of the punishment, and it would be treating him exceptionally with regard to his fellow prisoners.

3268. But would it not be possible for half an hour to send the small number of Catholic prisoners who may be under punishment, to mass?—It would be possible; but it would be giving him a greater indulgence than the others.

3269. At the same time I would say, that shutting him up in a cell is the least possible way of reforming him?—Still it would make a very great exception in his case as compared with the others.

3270. (*Chairman.*) Would there be any difficulty in having a particular part of the chapel set apart for such prisoners, and so arranged by means of a screen or partition, or anything else, that they would still be separated from the other prisoners?—I do not think it could be done. It would be no benefit to a Roman Catholic unless he could see what was going on.

3271. (*Mr. De Vere.*) Might it not be managed in this way, that the period required for attending ser-

Mr. W. Fagan.
18 June 1870.

Mr. W. Pagan.
13 June 1870.

vice, whether Protestant or Catholic, might be added at the end of the period of punishment, so that the relaxation would be only so far as there was a slight mitigation?—Then don't you see, that that would be an illegal punishment for it would be after the sentence that had been passed on the man had expired.

3262. You are authorized by law to award a punishment of so many hours?—Yes.

3263. If in the middle of that you permit a prisoner to attend divine service, you are not adding to the number of hours, by dividing the time into two periods with a short interval between them?—Those hours must be consecutive, you know.

3264. (Chairman.) It could only be done by the

The witness withdrew.

Capt. Harris.

Captain WILLIAM FREDERICK VRESCON HARRIS examined.

3267. (Chairman.) You are the deputy-governor of this prison, I believe?—I am, my lord.

3268. How long have you been here?—Since the 4th December last year.

3269. Were you previously in the same department in another prison?—Yes; I was at Dartmoor.

3270. You have, I think, received through the director letters from us, requesting that certain arrangements might be made with the view of facilitating the preparation by the prisoners, should they so wish, of statements to be laid before us, and at the same time of preventing communication between them for a certain period before our visit. Will you state what steps you have taken in consequence of that?—On receiving instructions from the Commission, I directed that the treason-felony prisoners (including those in hospital who were well enough to be moved) should be located in a separate ward, that they should be placed in brick cells, with alternate empty cells between each prisoner, that a special officer should be in charge, that they should be allowed to leave their cells one at a time, and should be kept apart when at exercise. Writing materials were furnished to each prisoner.

3271. To how many of them does that apply?—To six out of the eight, my lord.

3272. Where are the other two?—In the infirmary, in dormitories by themselves; at opposite ends of the building.

3273. One of those two being?—Richard Burke.

3274. And who is the other?—Bryan Dillon.

3275. Have you received any intimation from any of those men, and if so, from how many, of their intention to lay before us written statements?—Some of them applied to see us when first I issued your instructions to them, they said, "Perhaps we may address the Commission; perhaps we may not."

3276. That was the general tone?—That was the general tone; they also asked permission to destroy their documents if they thought it necessary.

3277. (Dr. Lysons.) That is after they had written them?—After they had written them. They said, "Will you consider whether we shall be allowed to present or destroy them?" I said I thought that was a question for consideration. I saw no objection to their handing them to the Commission or disposing of them as they thought right. They asked permission—one or two of them—to hand them in themselves without passing through the hands of others. To that I said I could not give an answer, but that I would take the opinion of the prison directors.

3278. If I were you I would give them an envelope and tell them, "Put it into this cover, seal it up in my presence, give it to me so sealed, and I will give you an assurance that it shall come before the Commission" in the same state, without being examined; or if you prefer to hand it in yourselves you can do that?—Very well.

3279. (Mr. De Vere.) It ought to be perfectly understood that the paper is their property until they hand it to us, and they can destroy it, or do as they please with it?—Yes.

authority of the Secretary of State?—Yes; only by his authority.

3280. (Mr. De Vere.) It could only be done by the Secretary of State?—Yes; but I think we should make such objection as possibly would resist it.

3281. (Dr. Lysons.) Are you aware that in other countries prisoners are allowed to attend divine worship, and that at the same time each prisoner is in a state of complete isolation?—I am not aware that it is the case. I know that we attempted it in our own country, and it signally failed, because a prisoner is always trying to know who is in the next compartment. They were always trying to have communication, and we find the men behave now with greater decorum than when they were isolated in boxes.

The witness withdrew.

3282. (Chairman.) It is to be understood that they can destroy their documents if they wish, before they deliver them in, but that once they deliver them in they become our property?—The question put to me had reference to the disposal of their documents before they were handed to the Commissioners.

3283. Could you give us, Captain Harris, all extracts relating to any of those prisoners, in the "Governor's Application Book," the "Report Book," and the "Prisoners' Misconduct Book"?—Yes, my lord.

3284. You can have copied out for us the entries which relate to the whole of those prisoners in these books?—Yes, my lord. They can be furnished.

3285. This, as we know, is technically called "an invalid prison"?—Yes.

3286. What description of work is performed by those prisoners here, who are able to work?—The able-bodied prisoners?

3287. Yes?—The able-bodied, in the first place, work outside, in the open air.

3288. What work do they perform; is it agricultural labour?—No, there is no agricultural work carried on now. They are employed in building, in fitting up the new prison, and in the construction of four new houses. These are the able-bodied, (Harris in a card).

3289. You had in a card showing the morning state of this prison on this day, the 18th June?—Yes, this day, the 18th.

3290. You will be kind enough to show under which mode of distribution the prisoners are described who would be employed in building up those houses; would they come under the term "prison employment"?—No, they would not. "Prison employment" would mean those employed inside.

3291. I do not see under what classification here they would come?—This does not show the employment, my lord. In this return they are shown; "at prison works, 170." This is merely a card for the director on his visit.

3292. Supposing you were not now engaged in building houses for this and the adjoining prison, what work should you have to set them to?—Up to within a recent date, before the female prison was commenced, the invalids were employed on the farms at agricultural work; light work on the farm.

3293. Has that work ceased?—That work has ceased altogether; there is hardly any carried on at present.

3294. Why is that?—For a variety of reasons. The principal of them is that the invalids fit for outside work are sent to the able-bodied in building the new houses. There is other work for them, in fact. The invalids at work inside are employed as tailors, shoemakers, bookbinders, knitters, and oakum pickers.

3295. When the building of the houses is completed, will the agricultural work be taken up again?—That I am not prepared to say. I believe it is an open question.

3296. At what work is a treason-felony convict put?—They have some of them from time to time

been employed in trades. Murphy, for instance, was employed in the carpenter's shop for some time.

3295. That is associated work?—Yes, they all work together.

3296. Have any of them been employed shoemaking?—They have never, that I am aware of, been employed shoemaking.

3297. Have any of them been employed at tailoring?—Dillon was so employed for a short time.

3298. Have any of them been employed in building?—Not that I am aware of.

3299. (Mr. De Vere.) Considering, Captain Harris, that you have been so short a time here, could you furnish us the next time we call, with reports showing the works that each of those treason-felony prisoners has been employed at, and the length of time?—Certainly. Their ordinary work has been pumping water. They take it in turn. There is a small tank which they are in the habit of filling. It would take able-bodied men about three hours to do the work required of them in a day.

The witness withdrew.

The Commission adjourned to Tuesday the 21st inst.

Woking Prison, Tuesday, 21st June 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. G. C. BRODRICK.
S. E. DE VERE, Esq.

DR. LEWIS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

CAPTAIN HARRIS recalled.

3307. (Chairman.) Captain Harris, are you prepared to hand in the returns of which we spoke the other day?—Yes, my Lord.

3308. What returns are those in your hand?—I will hand in first the morning state, showing the various employments of the prisoners.

3309. This is the morning state of the distribution of those convicts at Woking prison this day?—Yes, my Lord, and the card I had the honour of submitting before only explained certain things for the director.

3310. Then this you will hand in?—Yes, my Lord.

3311. Do you hand in also certain other returns?—I do, my Lord.

3312. Will you describe them?—I hand in a return of the treason-felony prisoners now in this prison, specifying the crimes for which they are confined, their sentences, dates of reports received, also dates of interviews with the directors and the governor.

3313. (Mr. De Vere.) Have you the issue of those reports and the action taken upon them?—Yes, I can give the replies in each case, but they are very voluminous, and it would take some time to copy them.

3314. (Dr. Greenhow.) What we want are the reasons for the interviews and the results?—I can have copies made for you.

3315. (Chairman.) You have of course the materials to supply them?—Yes, my Lord.

3316. What is the second return that you hand in?—The second return shows the reports received by the treason-felony prisoners in this prison, and the punishments awarded upon those. It is a summary of the reports, which I presume is what you wish. It is the summary that goes up to the visiting director, and is approved by him.

3317. This is complete then as far as it goes?—Yes.

3318. (Dr. Greenhow.) Does it give all the reports against every treason-felony prisoner in the prison, from the time of his admission here up to the present time?—Yes.

3319. (Chairman.) The Commissioners have under consideration the expediency of deferring for a few days the personal examination of each of the prisoners

3300. Have they always been willing to work?—They have. They have done it as a sort of amusement more than anything else.

3301. (Mr. Brodrick.) Have any of them refused to work?—Not that I am aware of. I never heard of their refusing to work, because the work is so very light.

3302. (Chairman.) The governor of this prison is at present on leave, I believe?—Yes, my Lord.

3303. Is that absence occasioned by an attack made on him by one of the prisoners?—It is.

3304. An attack was made on him by a prisoner?—Yes, my Lord, in last December. Ever since he has been suffering.

3305. (Dr. Lewis.) What sort of injury did he sustain?—He was stabbed in three places.

3306. (Mr. De Vere.) The prisoner who made that attack on the governor was an Italian, I believe?—He was.

as wish to come before them, in order that sufficient time may elapse for the attendance of any of the friends of the prisoners on them, if they choose to avail of that permission if granted. Before we decide that we wish to ascertain what is the position of the prisoners?—They are now in separation.

3320. How long have they been in separation?—This is the fourth day; since Saturday evening.

3321. What would be their position supposing the separate state were to terminate?—They would immediately be bonded together in the usual way, and they could communicate freely and interchange their ideas in any way they thought fit without restraint.

3322. (Dr. Greenhow.) Would it be possible to allocate the suspension of intercourse by granting them a somewhat extended time for exercise?—I do not think that could be done. We now have some difficulty in carrying out the instruction of the Commissioners to keep them entirely separate, and I hardly think it could be maintained for so long.

3323. (Mr. De Vere.) Do I understand you to say, Captain Harris, that you perceive a difficulty in maintaining their separation for some days longer?—No, I do not think there would be any difficulty in it, nor do I think myself it is any very great hardship, but they themselves may call it a hardship. The cells are as good cells as any in the prison, and there is no great hardship that I can see. Of course their great grievance is that they cannot communicate with their fellow prisoners; and if you allow me I will hand in a communication Dillon sent to me the first day of the Commission (hand in a document) which explains their views on this point.

3324. (Chairman.) He sent it to you in this shape?—Yes.

3325. Addressed to you?—Addressed to me.

3326. (Mr. De Vere.) Do they not complain very much of the hardship of the separate confinement?—They complain that they cannot communicate with each other.

3327. Do they complain of the want of association with one another as interfering with their making

Capt. Harris.

18 June 1870.

Capt. Harris.

21 June 1870.

Capt. Harris.
21 June 1870.

their statements?—They do, and they made that request once or twice that they might be associated and allowed to communicate together; but I never heard them complain of separation for any other reason.

3328. (Chairman.) Have you received any similar communication to that from any other prisoner?—No written communication. The document received from Dillon ought not to have been addressed to me in writing at all; but the fact of their having been supplied with pens, ink, and paper to write out their statements has enabled them to do this. Of course he would have no opportunity of doing so at another time. I should add that one man, Power, stated that the confinement in the brick cell was injurious to his health when he was under medical treatment. That I referred to the medical officer, and he said there was no sufficient ground for interfering on such an objection, and that the man was not so ill as to be affected by separate confinement.

3329. Have you received any representation from the prisoners besides that memorial now referred to, since our last meeting?—None, but I have received one or two verbal requests.

3330. From whom?—Thomas Bourke and Dillon.

3331. To what effect?—Dillon asked for what he has entered there, extracts from all the prison books, anything that applied to him; that I said I was not in a position to grant; all suppressed letters, in fact he repeated the request contained in the memorial. Thomas Bourke asked me on Saturday evening to be allowed to have a copy of his last petition to the Secretary of State. That of course I could not give him as it is not here.

3332. (Dr. Lyons.) Did I understand you to say awhile ago that you thought it a slight thing to have men shut up four days continuously in separate cells?

The witness withdrew.

The Commission adjourned.

3, Parliament Street, London, Thursday, 23rd June 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BROCKEN.
S. R. DE VRIES, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

Captain DU CASE examined.

Capt. Du Case.
23 June 1870.

3333. (Chairman.) Captain Du Case, have you received any communication from the Secretary of State in reference to a recommendation laid by the Commissioners before him on the subject of access to the treason-felony prisoners on the part of their friends?—I have received a communication desiring me to put myself in communication with the Chairman of the Commission as to two applications which were made to see two of the prisoners at Chatham.

3341. The communication from the Secretary of State gave you no distinct intimation as to the course that you were to take in reference to the applications?—Simply to put myself in communication with your Lordship. Perhaps I had better read this letter.

3342. Read it if you please.

" My dear Sir, June 18, 1870.

" In case I do not see Captain Du Case, please give him the three enclosed letters, and say that Mr. Bruce wishes him to see Lord Devon as to the persons who should see the Fenian prisoners, as I believe Lord Devon thinks it important that the matter should be settled at once. Mr. Bruce desires the directors to comply with the wishes of the Commissioners in regard to the mode in which the convicts shall be permitted to prepare their statements; but Mr. Bruce is sure that Lord Devon will

—No, what I intended to convey was that I did not think, under the very peculiar circumstances, it was a very great hardship. Undoubtedly it is a hardship for men associated together to be confined in this way, but considering the circumstances I do not think it so.

3335. The Commission made certain requests on Saturday last, with regard to the men being allowed full access to their religious duties on Sunday. Will you be kind enough to state to the Commission what took place in consequence of that request?—On the morning of Sunday the prisoners were informed that they would be allowed to attend divine service. They all availed themselves of that privilege with the exception of one man.

3334. Who was that?—Malcahy. When he was told that he was to go to chapel, he asked whether he was to be subjected to the surveillance of an officer or not. He was told that he would only be allowed out in that way to chapel. Thus he said he would not go.

3335. Did all the others attend?—All the others, but those in the infirmary did not attend.

3336. Will you be good enough to put in a return of those who attended mass last Sunday, or can you name them now?—I can name them now.

3337. (Chairman.) Put it in as a return, in a more formal shape?—I shall.

3338. (Dr. Lyons.) You informed them that they had full authority, in accordance with the consent of the Commission, to attend divine service?—Yes, and they availed themselves of it with the exception of one man, Malcahy. Roostree did not attend in the afternoon.

3339. And each of them was separately informed that he had the privilege of attending mass on Sunday?—Yes, that is so.

" carefully consider any suggestions on the subject " that Captain Du Case thinks it right to make.

" Yours truly

" A. O. RUTSON."

3343. By whom is that letter signed?—By Mr. Bruce's private secretary, Mr. Rutson.

3344. This was received by you?—Yes, on the 18th June. It enclosed the applications of Mrs. Rossa and of James Delaney. This letter was written to me in consequence of a letter dated 17th June, in which these applications were enclosed to the Home Secretary.

3345. From whom were those applications?—From James Delaney and Mrs. O'Donovan Rossa.

3346. (Dr. Lyons.) Captain Du Case, are you in a position under authority from the Secretary of State to give full effect to the recommendation of the Commissioners in paragraph 4 of their letter of the 18th June, in which they state: "The Commissioners have recommended to the Secretary of State that access to prisoners at a reasonable hour and for a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to friends of such prisoners, under such regulations and conditions as the Government may think necessary. Application in such case should

"be made to the Home Office?"—I am prepared to give effect to that certainly.

3347. (*Chairman*.) And you feel yourself empowered to do so?—When the regulations and conditions are settled I am prepared to give effect to that at once.

3348. Having regard to the words of the fourth paragraph of the Commissioners' letter to which your attention has been called, have you any doubt that the regulations and conditions therein alluded to are those which are to be imposed by the Government? It is your view that it rests with the Government to define what are such regulations and conditions?—I have no doubt that that is your view; but I observe in this letter which I have quoted that "Mr. Bruce desires" the directors to comply with the wishes of the Commissioners in regard to the mode in which the convicts shall be permitted to prepare their statements, but Mr. Bruce is sure that Lord Devon will

The witness withdrew.

The Commission adjourned.

Woking Prison, Wednesday, 29th June 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. ROBERTS,
S. E. DE VERN, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

Captain HARRIS recalled.

3351. (*Chairman*.) Since the period of our last visit, Captain Harris, have you had any communication with any of the treason-felony prisoners here on the subject of the present inquiry?—I have had almost daily communication with one or other of them, my Lord.

3352. Does that mean that you have communicated with them all in turn?—Almost all in turn; some of them two or three times, and others not so often.

3353. To the best of your power, have you put these prisoners in possession of the facilities which they should have for the preparation of their statements, and the laying of them before this Commission?—I have. I have given them every information in my power.

3354. Can you tell us in detail, what you have said to them?—The first question they asked me was, whether they would be furnished with a copy of the advertisement ordered by the Commission? I said they would. I wrote for a copy, and furnished it to them.

3355. Has each prisoner had a copy of it?—Each prisoner has had a copy of it. They sent in a special application for assistance—legal assistance, which was forwarded to the chairman, and that was also allowed.

3356. (*Mr. Broadrick*.) When you say "they," which of them sent in that application, do you remember?—I allude to all of them with the exception of Richard Burke, and of Murphy, who have up to the present time declined to make any communication or to have any assistance.

3357. (*Chairman*.) Have you received any written application from Denis Mulcahy?—Yes, I have, and from several of the others—Power, Dillon, and Ryan also.

3358. What course did you take in reference to these written applications?—They were forwarded to the chairman of the board of directors in the usual course, and I hold the answer to one of their cases in my hand now.

3359. Will you read it, please?—

Yes. Whitehall, 28th June 1870.

"I am directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of yesterday's date, forwarding memorials addressed to the Com-

missioners on the subject of the treatment of treason-felony convicts in English prisons, by the treason-felony prisoners in Woking prison named in the margin."

3360. (*Dr. Lyons*.) Captain De Case, do you see any objection to the different prisoners being allowed to see one personal friend and one professional adviser?—The prison department is prepared to do anything, but they must lay before the Government the risk which they consider they incur in departing from the rules which are laid down for prisoners in the case of interviews between convicts in public prisons and their friends. Subject to that, and having relieved themselves to that extent of the responsibility, they are prepared to do anything which may promote the objects of the inquiry.

3361. Practically you do not see any difficulty in each prisoner being allowed to see one personal friend and one professional adviser?—Subject to the remarks I made respecting the responsibility of departing from the usual precautions.

Capt. De Case.

22 June 1870.

Capt. Harris.

29 June 1870.

3362. Are you cognizant of any representation made by Mulcahy, Power, Ryan, and Dillon, in writing, to this Commission?—The application, the answer to which I have just read, is the only one I am aware of.

D. D. Mulcahy, E. Power, B. Dillon, and P. Ryan, are named in the margin—

"requesting permission to consult with, and to have the assistance of, treason-felony prisoners in other prisons, with reference to the statements which they are preparing for the Commission, and I am to acquaint you that their requests cannot be complied with."

"I am, sir, your obedient servant,

"A. F. O. LEXELL.

Captain DUNN, R.E., &c."

That was sent to me this morning with a note to the governor at Woking, to communicate the decision to the prisoners, and to inform also the Commission of Inquiry.

3363. Are you cognizant of any representation made by Mulcahy, Power, Ryan, and Dillon, in writing, to this Commission?—The application, the answer to which I have just read, is the only one I am aware of.

3364. You have placed in our hands a communication forwarded to us here by the Secretary of State, and in it Mulcahy says in conclusion that, "General Thomas Bourke and William Roanmore applied for permission to sign that document, but the governor up to this moment has given no reply to the application?"—Yes, that is the case; they were locked apart, and I did not think it necessary that they should sign that document.

3365. It is also stated that they were desirous of making communications to us in a closed envelope. Was there application for leave to do that made by any of the prisoners?—Yes, that application was made.

3366. And how was it dealt with?—That I would not allow it. I said they could not communicate direct with the Commissioners under cover; that any statement they might make, or any written document might be handed, but that they could not communi-

Capt. Harris.
29 June 1878.

cote through the ordinary channel in that way under cover.

3364. When you say "might be headed," do you mean headed directly to the Commission without undergoing intermediate inspection, either by you or any of the warders?—Exactly; these were the instructions the Commissioners gave me, and these I conveyed to the prisoners, that they might hand any statement direct to the Commissioners.

3365. And that such documents should not be examined?—Certainly, my Lord.

3366. And they fully understood that?—They fully understood that.

3367. I understood then that your refusal went to the point simply that they should not transmit them by post?—Yes. They also applied to communications in the same way under cover to the treason-tolony convicts in other prisons.

3368. And that you refused?—I forwarded it to the chairman. Their request was refused in the latter read this morning.

3369. (Dr. Lyons.) Did they ask you for envelopes in which they may be able to place their statements?—No, they merely said "under cover, under seal; not subject to inspection by anyone in the prison."

3370. (Chairman.) But you believe that they fully understood they were to have full opportunity to present them to this Commission?—Certainly.

3371. (Mr. Brodriek.) Did they claim the right of transmitting to the Commissioners by post, and not through you, a statement in a closed envelope?—Not that I am aware of; they never expressed themselves in that way. When the Commission first arrived, I asked them whether they wished to hand in documents themselves or to transmit them through me, they said it was immaterial. Power, particularly, said that he did not care; that I could hand them myself. That I declined to do. I said you can hand them to the secretary, but I will take them myself if you like.

3372. You think they fully understood that they should not be examined?—They perfectly understood this. In the first instance, I think, they were in doubt as to whether they would be inspected or not.

3373. (Mr. De Vere.) Do the writing materials that you have furnished to them contain the means of making up a statement enclosed under seal?—No, they do not. They are merely furnished with sheets of paper, ink and pens.

3374. You are aware that we have mentioned our being ready to receive either oral or written statements?—I am.

3375. If one of the prisoners were to decline to make an oral statement and to prefer to make a written statement to the Commissioners, has he the means of making a written statement to the Commissioners under seal?—Perfectly, if he wishes it. The documents remain in their possession, their own property, and they have nothing to do but to hand them to the secretary.

3376. Did I not understand you to say that amongst the writing materials given to them they are not provided with the means of sending a statement to us under seal?—I do not think I understood your question. Those documents are in their possession now; they are subject to no inspection.

3377. Suppose a prisoner prefers making a written statement to making an oral statement, has he the means of making that statement in a closed or sealed envelope?—He has.

3378. (Dr. Lyons.) In other words, did you furnish them with envelopes?—No, they have no envelopes at present; but the documents have been entirely in their own charge. They have never been inspected or subject to any restriction; therefore they are actually their property at this moment.

3379. What objection have you to furnish them with envelopes?—None whatever. It was simply an omission.

3380. If they had asked for envelopes would you have given them?—Certainly.

3381. (Chairman.) They probably will hand the

documents to us themselves when they come in?—Certainly. That I believe is their intention.

3382. In the case of any prisoners that we do not examine to-day, we should be glad if you would give them envelopes?—In case there should be any question of this, perhaps the secretary would kindly go to the men and receive the statements from their hands.

3383. To show that the documents have not been out of their hands yet?—They have never been subjected to any inspection since they first began to write them.

3384. Captain Harris, shall you be prepared to comply with the wish of the Commissioners, that you should now communicate with the different treason-tolony prisoners in this prison, and place in their hands respectively an envelope to enable them to enclose their statements in that envelope, and seal it up for the purpose of its being laid before the Commission in the precise state in which it is received by you?—I am quite prepared now. As an additional safeguard, if the secretary would take the envelope when closed from their hands, and not allow it to pass through any officer's hands, it would be more satisfactory to me.

3385. We shall ask you then, Captain Harris, in each case, is this document in the same state in which you received it from the prisoner?—Very well, my Lord.

3386. (Mr. Brodriek.) You said that some of the prisoners had applied for legal assistance?—Yes.

3387. Have they had legal assistance?—They have not had up to the present time; but a communication has been made to a Queen's counsel, Isaac Butt, Esquire, whom they all expressed a wish to consult.

3388. Do you mean to say that they of themselves addressed a communication to Mr. Butt?—They have.

3389. And it has been forwarded?—It has been forwarded, but of course there may be some delay.

3390. When was it forwarded?—It was forwarded on Monday, the 27th.

3391. Into whose hands did it go from your?—Into the post. I posted it myself.

3392. To whom do you say?—In the post office.

3393. Direct to Mr. Butt?—Direct to Mr. Butt. It was drawn up in the form of a memorial. I told them that a joint communication would not be forwarded; that each prisoner would be allowed to address Mr. Butt separately; eventually they each sent a copy of the memorial which had been prepared for their joint signature.

3394. How were Thomas Bourke and Rosseter aware of the existence of the document which they desired to sign?—They communicated when at exercise with others; since the last visit of the Commission there has been no restraint placed on their communication.

3395. Upon what principle were the others permitted to sign, and not Bourke and Rosseter?—The others are all located together in the infirmary; Bourke and Rosseter are not; therefore they only meet at exercise. It did not appear also a very material point; they have every opportunity of making statements; they said they wanted to sign the memorial, which I did not permit.

3396. (Mr. De Vere.) Did Bourke and Rosseter express to you their concurrence in the memorial?—No, they did not; but I feel quite confident that it was arranged amongst themselves during the hours of exercise, that they would sign it.

3397. What would have been the practical inconvenience of allowing them to sign it?—There would have been no practical inconvenience; I simply thought it unnecessary.

3398. May I ask whether you have communicated the answer from the Home Office, bearing date 28th June, to the prisoners who sent the memorial?—I have, this morning.

3399. (Dr. Greenham.) Captain Harris, have you seen the paper which I hold in my hand, addressed to the Right Honourable the Earl of Devon and the

members of the Commission, and signed by some of the treason-felony prisoners, namely, Denis Dowling Mulmahy, Edward Power, Bryan Dillon, and Patrick Ryan?—Yes, I have.

3400. You have seen this before?—Yes, I have seen it.

3401. Have you also received statements from any of the other treason-felony prisoners addressed to yourself?—Yes.

3402. Were they written applications?—Written applications.

3403. To what effect were these applications?—Two or three of them—they were nearly all the same—applied for copies of their suppressed letters, all communications referring to them in the hospital books, all applications made by them to the governor or to the visiting director; in fact, anything that referred to them in the prison books.

3404. What answer did you give to these communications?—I forwarded them to the chairman. He has not authorized me to give any answer up to the present time.

3405. And they have had no answer?—They have had no answer.

3406. (Dr. Lyons.) Are these documents in your possession now?—No, they are not. They are in Parliament Street, in the office of the directors. Of course I may be allowed to explain that to comply with their request would necessitate the production of the whole of the prison books for their inspection. They would not have copies, but originals; finally they asked for copies.

3407. (Mr. De Vere.) When a letter is suppressed what is done with it?—It is filed in the office. A note is put on it, and it is filed in the office.

3408. Is it then returned to the prisoner?—Not to the prisoner, except for information, that he may know the reason that it was suppressed; but it is never left

The witness withdrew.

THOMAS BOURKE, prisoner, examined.

3413. (Chairman.) Is your name Thomas Bourke?—Yes.

3414. The gentlemen who are here now, are a Commission appointed by the Government to inquire into the treatment of yourself and the other treason-felony convicts in this or other English prisons, and are prepared to give you the opportunity of making any statement which you may wish to make, and to inquire into its allegations. The Commission consists of Mr. De Vere, Dr. Lyons, Mr. Brodick, Dr. Greenhow and myself, Lord Devon; and we shall be prepared to receive any statement from you, which you may wish to make, bearing on the question of your treatment. You have already been informed, so doubt, that it would be open to you to make your statement out in writing, or orally, or both ways?—Yes, so I have been informed.

3415. Are you prepared to hand in any written statement?—I have no written statement prepared, sir. If you will permit me, perhaps we can better understand each other by my giving you—I will just read this with your permission.

3416. I should tell you, at first, that there is a shorthand writer in the room who will take down anything said, and a report will be published; that this room is a private room, and you are out of hearing of any official of the prison; and that whatever you may say, will not prejudice your future position in this or any other prison?—That is very important to understand, sir. I perceive that the subjects upon which the Commissioners appointed to inquire into the treatment of treason-felony convicts will permit such prisoners to address them are: first, treatment, diet, discipline, or disregard of the conditions necessary for health; second, exceptional treatment or subjection to any hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude. I respectfully submit, that there is not any-

thing that a prisoner has to undergo that cannot be sanctioned by that qualification; that there is not anything we suffer that cannot be set down as being not beyond the things incidental to the condition of a prisoner undergoing a sentence of penal servitude. I have made a few notes here that I should like to read for you if you allow me, giving an account of some of them.

3417. If you please. Make them as definite as you can. You will go into nothing vague, I hope?—Just as, sir. I shall endeavour to adopt that course. I have noted a few things here which are quite incidental to the condition of a prisoner undergoing penal servitude: broken limbs, loss of the use of limbs, total loss of limbs, death by accident or design, 20 consecutive days' bread and water and punishment cells, six months' penal class diet in penal and punishment cells.

3418. Is this the result of your own experience?—Much of it, sir.

3419. You will be kind enough to state what relates to yourself?—None of these have I suffered, but all of them are things which I have seen and observed, and they would not be outside any condition undergoing any term of penal servitude.

3420. I think it would be convenient if you first state what you have to complain of, and then you can make any general statement you think necessary?—Pardon me, sir. In fact, I have been deterred from making a statement by the fact that if you were only going to inquire into a condition of things outside the hardships incidental to the condition of a prisoner undergoing sentence of penal servitude, I would have nothing to say; but if you are going to inquire into the actual things that occurred to us; if you are going to inquire into the treatment, discipline, or disregard of the conditions necessary for health, I could make a statement; but I hold that this qualifying phrase, "incidental to the

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"condition of a prisoner undergoing sentence of penal servitude," does away with everything that I could state.

3421. It is perfectly open to you to make any statement as regards diet, discipline, or health. You will go on if you please?—You will permit me to read this, if you please: broken limbs, loss of the use of limbs, total loss of limbs, death by accident or design, 28 consecutive days' bread and water and punishment cells, six months' penal class diet in penal and punishment cells, and in addition six months' leg-bolts and loaded with 14 pounds weight of an iron chain fastened to the legs, and suspended from the ceiling, and to be worn day and night, in summer or in winter, in the prison or at labour; to have the hands manacled behind the back for 35 consecutive days; to be dogged to death with a cat-o-nine-tails, as in the case of convict Wilkinson at Portland.

3422. (*Dr. Lyons.*) What date was that, do you know?—I do not, sir. To be compelled to labour until your clothes were wet through on your back; to continue to work in them until they dried again on your back, and to have to sleep in them if not perfectly dry when you left off labour; to be confined in a cell through the roof of which the water poured down on your head when you slept in at night; to ignore disease until fully developed; to neglect it when active; to be sent to the cold, bleak, humid climate of Dartmoor in consumption; to be taken out of bed in the last stage of consumption; to be discharged to the prison from the hospital, and punished with penal class diet in punishment cell in the last stage of consumption, and to die within two months after the infliction of such punishment.

3423. (*Dr. Lyons.*) Whose case was that?—The case of Dunn, sir, in this prison.

3424. What was his christian name?—Thomas Dunn, sir.

3425. (*Chairman.*) Was he a treason-felony prisoner?—He was, sir. To be driven mad, as in the case of Martin Henry Carey, of Dublin; Mr. Kearns, of Cork.

3426. (*Dr. Lyons.*) What is his christian name?—I do not know his Christian name, sir. I believe it is John; and Colonel Richard O'Sullivan Burke at present in this prison.

3427. (*Dr. Lyons.*) Were they all political prisoners?—All three political prisoners; to be driven to attempt suicide, as Mr. Millard, political prisoner in Portland, was; to commit suicide, as scores of criminals have done to escape the hardships incidental to a sentence of penal servitude. These, sir, are some of the matters that suggested themselves to me after an experience of some three years and a half as a convict. I know that these are things that are to be met with every day. Of course if you are only going to deal with matters outside these we have no statement to offer. In fact, I am almost inclined to say, sir, that from the commencement of our preparation everything has been done by the authorities here to prevent us from giving our attention to the facts of the case.

3428. (*Chairman.*) That is a general statement. Will you specify any particular instances?—I will, sir. We were taken on Thursday, as well as I can remember, sir, from labour.

3429. That was Thursday last?—No, it would be the Thursday previous to Tuesday the 21st instant.

3430. (*Dr. Lyons.*) That would be Thursday, June 16th?—Thursday, June 16th, sir. One of the officers came to me and called me from labour and said, "You are to go to your room." I went to my room. He said, "Pack up your things." I put my books together and took my sheets as is usual when about changing location. He brought me down and put me in B ward. This is the strongest ward in the prison; a ward set apart for the most desperate characters in the prison; it is peculiarly a separate ward. Well, we were put in there. I asked why I was separated from my friends, without having done one single thing. They told me that some time I

would hear, by-and-bye, perhaps. In the evening the chief warder of the department brings me three sheets of paper, and this statement of subjects that the Commissioners would inquire into, that I have read for you.

3431. An extract of the subjects of inquiry?—Yes, sir. I asked him to name the Commissioners. He refused. I saw the governor and asked him the names of the Commissioners. He told me in the most curt possible manner, that it was enough for me to know that there was a Commission, and that was quite enough for me to know. I told him I thought it was not enough to know inasmuch as a Commission had come here before and had been received by the political prisoners in good faith, and it not alone did them no good but misrepresented; that I thought before I would make any statement or communication in writing, I should know the names. He refused to give them to me. I finally got them four days afterwards, on the 20th June, at 1 o'clock p.m.

3432. How did you get them on the 20th June?—I got them from the officer of the ward. He was supplied them by the governor, I presume. Well, here we were, scrupulously kept apart, never being allowed to see one of our friends, this and two succeeding days. Before I go further, I will say that I asked the governor if it was by the orders of the Commissioners that we were kept in separate confinement. As he told me before, he said that it was enough for me to know that that was his order, and he would give no further answer. I told him if we are to take this as an index of the character of the Commission, I do not think that any good can possibly result from it, because it was implying that if we were allowed to be together, we might concoct a statement, or tell something that was not true. We were compelled to exercise separately in a punishment yard, about the width of this room, and to go in and out we were not allowed to see the face of a friend; and of course we were all taken without having the slightest knowledge in life what the meaning of this thing was. We knew nothing of its being on the topic that a Commission was to be appointed. We were told that we would receive a statement. I made application for some statements I made, that would be essential to give you an idea of the treatment I received.

3433. (*Dr. Lyons.*) What statements were they?—One was to the Secretary of State, on the 10th August 1869, I think; one to the directors, in November 1868, I think, and another to the directors, the date of which I do not recollect. These we were told we would get, but up to the present moment I have not received them; so that you see I am quite unprepared to give any statement, inasmuch as we were promised many things to enable us to make a statement, and have not yet received any of them. The governor on one occasion came and asked me if I wanted any assistance in preparing my statement. I told him I did not clearly understand what was meant by the word "assistance." He said, "Do you want any legal assistance?" I said, "If you will allow me some time to consider, I will let you know this evening." On that evening, on the evening of the 24th June 1870, I wrote this. This is a copy of a letter that I then wrote to the deputy-governor:

"To the Deputy-Governor.

"3.15 p.m., 24th June 1870.

"In answer to the question of the deputy-governor, as to whether I required any assistance in preparing my statement, I said I did not quite understand what was meant by assistance. This he explained by saying that what was meant by assistance was, did I require the presence of a solicitor or lawyer? My answer to this question as explained is, 'Yes,' and I suggest the name of Isaac Butt, Esq., Q.C., Dublin, as the only person by whom I would wish to be advised or represented. I feel, too, that the presence of this gentleman would be a further guarantee that the gentlemen composing the Com-

"mission, in whose honour I have every reliance,
 "tend to deal fairly and impartially with the pri-
 "soners and the authorities.

"THOMAS FRANCIS BOURKE,
 "Irish State Prisoner."

This is a copy, sir, of the letter that was sent to Mr. Butt. Up to this time we have heard nothing from Mr. Butt, although firmly impressed with the idea that we should have his services.

3434. (Dr. Lyons.) When was that forwarded, let me ask you?—It was forwarded on the 26th June 1870; the deputy-governor of this prison received this. No answer has been had to it yet. When the governor came to us—in fact, on last Sunday, the 26th, the governor came and said, "You can put in writing anything you have to say to Mr. Butt; you can address Mr. Butt through me." Well, on that occasion I wrote this:

"Woking Convict Prison,
 "Survey, England,
 "Monday, 27th June, 1870.

"Dear Butt, Esq., Q.C., Dublin.

"DEAR SIR,

"I presume that the Commissioners appointed
 "to inquire into the treatment of the Irish political
 "prisoners in British convict prisons have already
 "communicated to you the contents of the following
 "letter which explains itself—

Here follows the letter I am just after reading.

"On yesterday the deputy-governor of this prison
 "verbally informed me that I might communicate my
 "wish in writing to you through him. I presume
 "therefore that the Commissioners have acceded to
 "my wishes as above expressed, and that they have
 "already retained you to assist me in the proceedings
 "of the Commission. As the Commissioners have
 "notified that they will permit me to address them on
 "the 29th instant, I shall feel obliged by your tele-
 "graphing on receipt of this to Captain Harris,
 "deputy-governor of this prison, as to whether I
 "shall have the aid of your valuable services on that
 "day or not.

"I am, dear sir, respectfully yours,

"THOMAS FRANCIS BOURKE,
 "Irish State Prisoner.

"P.S. You can give me your views.
 "More fully by post, bearing in mind, however,
 "that your letter will be read by the prison autho-
 "rities."

So that you see no answer has come up to the present moment, while I have been fully impressed with the idea that Mr. Butt was to be here.

3435. (Chairman.) Did the governor give you to understand that any legal adviser would be permitted to represent you before us?—He did, sir.

3436. Or to assist you in preparing a statement in your cell?—Not alone did he give me to understand it, but he said that was the meaning of the order he received. When I said, "I do not know what you mean by assistance," he said, "Do you require the assistance of a legal gentleman?" It was in answer to that question of the governor that I wrote this letter to him. So that you will see, up to the present time, sir, we have been in a state of uncertainty, shifting from moment to moment from the different positions assumed by the authorities here, and we have never had a regular opportunity of writing a statement of our treatment. By the way, at half-past 4 o'clock last evening, the principal warden came and gave me this document. This was the latest account. It struck me very much, and I was quite unprepared for it—

"3 Parliament Street, 21st June 1870.

"The Commissioners appointed to inquire into the
 "treatment of treason-felony convicts in English pri-
 "sons have hereby given notice that they will sit at the
 "Convict Prison, Woking, on Wednesday, the 29th
 "instant, at 12 o'clock; and at the Convict Prison,

"Chatham, on Monday, July the 4th, at the same
 "hour."

This I got last evening at 20 minutes past 4 o'clock. I believe it is a copy of an advertisement read some time ago by the secretary of the Commission to us:

"The Commissioners will be prepared to receive
 "from any treason-felony prisoner any statement as
 "regards his treatment in English prisons which he
 "may wish to submit orally, or in writing, or in both
 "forms. The Commissioners will be also prepared
 "to receive any statement in writing which may be
 "submitted to them, on behalf of any prisoner," and
 "so on. I merely read this for the purpose of showing
 "you, that up to last evening, up to 20 minutes past 4
 "o'clock, I had no knowledge whatever that this Com-
 "mission would sit to-day; no knowledge whatever;
 "because the intervening facts between the reading of
 "this document, which was read to us—I believe the
 "secretary will be able to inform me what time it was
 "read?"

3437. (The Secretary.) Yes, it was on Tuesday, the
 21st?—On Tuesday, the 21st, this was read. Very
 well. The date on which I wrote the letter leaving
 the matter to Mr. Butt, threw this matter completely
 over, so far as I could understand. Then there was
 nothing left for us to consider but the arrival of Mr.
 Butt, and the reception of such documents as we
 required to make up our statements. These documents
 you will bear in mind, I have not yet received, and
 up to last night, at half-past 4 o'clock, I was fully
 impressed with the belief that Mr. Butt was to be
 here; and then, at half-past 4, I was told that the
 Commission would sit to-day; so that you find me
 not at all prepared to give the evidence I would wish.
 I do not think any of my fellow prisoners are in a
 position to give evidence. This, I think, will clearly
 show that the authorities have no desire to aid us in
 making up our statements.

3438. (Chairman.) All your statement hitherto has
 gone mainly to general allegations, illustrated par-
 ticularly by particular instances. Are you prepared to
 supplement those general allegations by any statement
 as regards either yourself or any other person?—I
 wish to state, sir, that those allegations that I have
 made, which you may consider allegations, I have
 merely used as illustrative of the facts, and under this
 qualifying clause I specified there is nothing in the
 world that could not be justified; there is not anything
 that could not be justified; all those things that I
 have mentioned, which are not allegations, but merely
 to show that all those things occur every day, for many
 of them I have seen myself occur, they are all inclu-
 ded in the condition of a prisoner undergoing penal
 servitude. I say they are certain things that could
 scarcely be looked over. I merely use them as illus-
 trations.

3439. You see it is impossible to go into general
 allegations, and therefore I must ask you to define
 particularly, anything of which you, or within your
 knowledge any of the other treason-felony prisoners,
 have to complain?—You will pardon my asking you a
 question. Would it not be well that we wait to
 understand, as we to get the assistance of Mr. Butt?

3440. No, I think it better frankly at once to tell
 you that the Commission has decided that no counsel
 or friends of a prisoner shall be present during the
 examination. Facilities will be given to admit any
 legal adviser or other friend to assist a prisoner in
 preparing a preliminary statement; but it is not the
 intention of the Commission to admit any person but
 the prisoner to be present when the statement is
 made?—Just so, sir; but I understand from you that
 during preliminary arrangements we might receive
 all assistance necessary from our friends. We have
 received none of this assistance.

3441. I will read to you what we have told Mr.
 Butt. "First, the prisoners will have full opportunity
 "for making an oral statement to the Commissioners
 "as regards their treatment; such statement to be
 "made in a private room, in the absence of any

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"prison officer, and after a distinct intimation from the Commissioners, to which they will give full effect, that no statement so made will in any way prejudicially affect the prisoner's position and treatment." That I have already mentioned?—Yes, sir.

3442. *Second, the prisoners will have further, full opportunity for making written statements and for offering such oral explanations of them as they may desire. Writing materials will be provided for them, and three days' intermission from labour allowed, if wished. Third, the Commissioners will be prepared to receive any statement in writing from any friend of a prisoner, or any person acting on his behalf, and to take the oral evidence of any witness,—including, if desired, any released prisoner,—which may appear to be relevant to the general treatment of treason-felony convicts. Fourth, the Commissioners have recommended to the Secretary of State that access to prisoners at a reasonable hour, and for a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to the friends of such prisoners, under such regulations and conditions as the Government may think necessary. Application in such case should be made to the Home Office. Fifth, the evidence will be taken down by a shorthand writer. Sixth, the report and evidence will be made public?—"The report and evidence." Do I understand, sir, that the statements that we make will be published with your report?

3443. Yes?—Then that is a very admirable thing; but I would beg to remind you, sir, before we go any further, that you will find many of these conditions, that it was the intention of the Commissioners we should enjoy, that we have not received.

3444. Will you tell me one by one, if you please, which of these conditions you have not had the benefit of? You have every opportunity of making an oral statement as regards your treatment, in a private room and in the absence of any officer of the prison, and you have been informed that your position here will not be prejudiced by any statement; and you have, I believe, had full opportunity of making a written statement, having been provided with writing materials, and intermission from labour allowed?—Yes, sir, quite so. What I regard as a hardship in this fact, that there are many statements that I have written since I have been in this prison when I had cause of complaint. I asked for those, and I was told that I should receive them. Those are necessary to my stating my case. I have not received them still.

3445. Are there any statements except those you have received, namely, August 1869, and November 1869?—Those are two that bear particularly on the treatment I have received.

3446. You tell us that in order to make out your statement satisfactorily to yourself, you believe that you ought to be in possession of those statements?—I do, sir; I have done so; and I do feel so.

3447. I do not know what those statements are, or what they may contain, but we will take care that you be put in possession of a copy of those statements that bear on the subject of our inquiry. You will be put in possession of copies of such portions of them as bear on the subject of our inquiry?—When shall I receive them, sir?

3448. You shall receive them at an early period. I cannot tell where they are; they are probably in London?—I did make application for them a week ago, in fact, and was expecting every day to receive them.

3449. You made application to the deputy-governor?—To the deputy-governor, in the usual way, sir. I made application in writing.

3450. What did he say in answer to your application?—He said of course I would receive them. He forwarded my application, and I have heard nothing of it since. My application runs in this way: "The following are the dates of the statements which I

"require." I then gave the dates, and I submitted this, of which this is a copy, to the deputy-governor.

3451. You will be put in possession of the necessary parts of them?—I should ask permission to be allowed to see my friends for a few minutes, if the Commissioners have no objection.

3452. Has any application been made by my friends to see you?—I mean my fellow-prisoners in this prison.

3453. You have seen them at exercise, have you not?—I have seen them this morning. I merely wish to see them now, if it is not at all objectionable.

3454. (Dr. Greenhow.) To consult with them?—To give them an idea that the Commissioners are here.

3455. (Chairman.) The governor has informed every one of them that the Commissioners are here, and will be prepared to see them?—I quite understand, but I thought you would not have any objection to my seeing them.

The prisoner withdrew, and after the Commissioners had deliberated, was recalled.

3456. (Chairman.) The Commissioners have considered the statement made by you, and will be prepared to use their endeavours to obtain for you an opportunity of seeing all material parts of the letters of August 10th, 1869, and November 4th, 1869, as you say that an opportunity of reading those letters is necessary for your statement. That being so, as you are not able to make your statement satisfactorily now, you will do it on a future occasion. Therefore the Commissioners decide on adjourning to a future day, of which you shall have due notice, for your examination?—Thank you. I feel greatly obliged to the Commissioners, because I may then be in the possession of those documents which I have considered from the first essentially necessary. I will then be in a position to make a statement to the Commissioners much better perhaps than now.

3457. I wish at the same time to explain to you, lest you may have some misconception in the matter, what the real facilities are which will be given to you and to the other prisoners as well. We have decided on not admitting anybody to speak for a prisoner, or assistant to a prisoner when he is before us; but every facility will be given for any friend, legal adviser or otherwise, whoever he may be, to assist in preparing any necessary statement?—Just so, sir. I wish to state in explanation that I was clearly at fault, inasmuch as it was the deputy-governor who set me at fault. I had said nothing at all of a lawyer or of legal assistance being required until he said so to me. "What the Commissioners wish to know is, do you require a lawyer?" These are the deputy-governor's words.

3458. (Mr. Brodribb.) Did you understand a lawyer to consult, or to speak for you?—I did not clearly understand. I do not think he understood the order, nor did I understand, and at the present time I do not know what a solicitor or Mr. Butt are to do for me.

3459. (Chairman.) I will read to you again the Commissioners' award: "The Commissioners have recommended to the Secretary of State that access to prisoners for a reasonable hour, and at a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to friends of such prisoners, under such regulations and conditions as the Government may think necessary?"—Very good, sir.

3460. With that understanding your further examination may be postponed?—I thank you.

3461. (Dr. Lysons.) You now clearly understand the position in which you are with regard to the Commission?—Yes, sir; I am to receive those documents I spoke of and visits from my friends or any person who comes to help me in making my statement, and to appear before you and go into the facts.

3462. (*Chairman.*) Yes, and the visits of friends are to be subject to such conditions as the Government may impose?—Just so.

3463. (*Mr. De Vere.*) Are there any other documents that you wish for besides those you have stated?—I think there are three.

3464. (*Chairman.*) You can hand a list to the governor?—I have already handed him a document on the subject.

3465. (*Dr. Lyons.*) If anything else occurs to you within a day or two you can hand in a memorandum to the governor?—On a couple of occasions I wished

The prisoner withdrew.

DENIS DOWLING MULLOCH, prisoner, examined.

3468. (*Chairman.*) Is your name Denis Mulochy?—Yes.

3469. The gentlemen around this table are a Commission appointed under the Government in order to inquire into the treatment of the treason-felony prisoners in the different prisons of England, where they are confined. The Commission consists of Mr. De Vere, Dr. Lyons, Mr. Bredinick, Dr. Greenhow, and myself, Lord Devon. You will have an opportunity now of making any statement to us, in a room which, as you see, is a private room, in the absence of any official or person connected with this prison, and in such a way as that your evidence will be in no way prejudicial to you, whatever statement you may make, or your future position interfered with in the prison. It will be taken down by a shorthand writer, and hereafter our report and the evidence taken by us will be made public?—In *extenso*, my lord? Will all that I state be published?

3470. All that you state will be published: yes, all that is relevant. Whatever is relevant to the subject of the inquiry will be published in *extenso*. The Commissioners reserve to themselves to say what is appropriate. It may be satisfactory to you to know that although we are appointed by the Government we are entirely independent of Government. Have you been informed of the facilities which, by our desire, it was intended to afford to you for the purpose of enabling you to make any statement in writing, or orally, which you might wish to give?—With your lordship's permission, I will read the notice which I got. "§134. Denis Dowling Mulochy. Subjects upon which the Commission is appointed to inquire into the treatment of treason-felony convicts, will permit such prisoners to address them: first, treatment, diet, discipline, or disregard of the conditions necessary for health; second, exceptional treatment or subjection to any hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude." I would wish to know, my lord, if the qualifying sentence or clause is that, "or subjection to any hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude," would be understood to imply that the Commissioners are not empowered to inquire into the hardships that are incidental to the condition of persons undergoing a sentence of penal servitude, and therefore will permit us to address them on the subjects of treatment, diet, discipline, or disregard of the conditions necessary to health, only in such cases as we can prove were beyond those incidental to the condition of prisoners undergoing penal servitude, so that we would not be permitted to address them on subjects which are incidental to such prisoners?

3471. Our inquiry will be directed as to whether there is anything in the treatment to which prisoners undergoing penal servitude are subjected, which is unnecessarily severe or harsh, or prejudicial to health; and beyond that, we shall enter into the question whether the treason-felony convicts have been subjected to any exceptional treatment, or have suffered any hardship beyond that. If, therefore, you have to complain of anything incidental to all the prisoners in this prison which you think a particular hardship on

to address the Commission, but the governor refused, and said he would forward nothing to the Commission. Although it was given to him open in an undecoded envelope he declined forwarding anything to the Commission. This occurred to Mr. Mulochy, a political prisoner, who wanted to forward a letter to the Commissioners desiring an explanation we could not receive from the authorities here.

3466. (*Chairman.*) We are going to examine him. He can make his own statement?—Just so, sir.

3467. You understand that you will have an opportunity of calling any witnesses in support of any statement you may wish to make?—Yes, sir.

Yes, you are open to state it?—I would state some of the things which are incidental to the condition of prisoners undergoing penal servitude, if your lordship has no objection:—broken limbs; loss of the use of limbs; total loss of limbs; death by accident or design; 28 consecutive days' bread and water and punishment cells; six months' penal chain diet and punishment cells, in addition to the bread and water; six months' leg bolted and loaded with 16 lbs. weight of an iron chain fastened to the leg and suspended from the loins, and to be worn day and night, in summer or in winter, in the prison or at labour, no matter what that labour may be, my lord; to have the hands manacled behind the back for 35 consecutive days; to be flogged to death with the cat-o-nine-tails as in the case of convict Wilkinson, at Portland; to be compelled to labour until your clothes were wet through on your back; to continue to work in them until they dried again on your back, and to have to sleep in them if not perfectly dry when you left off labour. If you are taking it down, my lord, I will read it more slowly.

3472. The shorthand writer can follow you, I believe. He will take it down. Proceed, if you please?—To be confined in a cell, through the roof of which the water poured down in your bed when you slept in it at night; to suffer from ascaries, which I believe is owing to the quality of the food; to ignore diseases until fully developed; to neglect it when active; to be sent to the bleak, cold, humid climate of Dartmoor in consumption; to be taken out of bed in the last stage of consumption, discharged to the prison, punished with penal chain diet in penal cells, and die within two months or nine weeks after the infliction of such punishment.

3473. (*Dr. Lyons.*) Whose case is that?—It is the case of a man who was in the hospital, Dr. Lyons, of the name of Durne.

3474. What was his Christian name?—I do not know his Christian name, Dr. Lyons.

3475. (*Dr. Greenhow.*) Was he a treason-felony prisoner?—No, he was not.

3476. Who were sent to Dartmoor in consumption?—There are convicts in this prison who were sent to Dartmoor in consumption. To take no notice of men being subject to any hardship not beyond that incidental to the condition of a convict is of no use to the treason-felony prisoners.

3477. (*Chairman.*) We ask the fact merely, for we shall inquire into it?—There is one man named Brennan in this prison; I think he is in the hospital at present.

3478. (*Dr. Lyons.*) Brennan was sent to Dartmoor?—Yes, and returned from Dartmoor not many months since.

3479. How do you know he was in consumption?—I only heard it from statements he makes, that he threw up a large quantity of blood and was returned as in consumption. I cannot state that he is in consumption positively.

3480. I only want to ascertain how you know of it?—I had no opportunity of ascertaining, Dr. Lyons, that he was in consumption, but I believe there is no doubt that political prisoners were sent from here in

T. Bourke.

20 June 1870.

D. D.
Mulochy.

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Melvill.

20 June 1870.

self state to Dartmoor. I was sent to Dartmoor my-
self after I had severe hæmoptysis in Portland.

3481. (*Mr. Broadbent.*) After you had severe hæmo-
ptysis?—Yes; bleeding from the lungs.

3482. (*Dr. Lyons.*) We will ask you particularly
to state all about that when you have done with the
general statement?—To be driven mad by the punish-
ment of the prison director, as in the case of Martin
Hanley Carey, treason-felony prisoner, and Mr.
Kearney, I don't know his christian name, a treason-
felony prisoner, and Colonel Richard O'Sullivan
Burke, another treason-felony prisoner; to be driven
to attempt suicide as in the case of a treason-felony
prisoner of the name of Milady. He was convicted
of some offence under the Treason-felony Act, I
believe, in England, and he is now a convict in Port-
land, and I am informed by one of my fellow prisoners
who returned from Portland, that he attempted to
commit suicide in his cell, for which, I believe, he was
punished, and owing to the severity of the punishment
he made some attempt to strike the governor, for which
he was sent back to 21 days' bread and water. In
these prisons a charge from bread and water is given
every fourth day to penal-class diet, but I
believe in Ireland it is continued for eight consecutive
days. I myself was sentenced to seven days and kept
on it six days.

3483. (*Dr. Lyons.*) You were six days on bread
and water?—For six days, consecutive days, on bread
and water in Mountjoy prison, Dr. Lyons.

3484. Will you give the dates, please?—Well, I
cannot give you the exact dates, but I will give as
near as I possibly can remember: it was somewhere
between the 14th November 1866, and probably the
21st, somewhere there. I was removed to Ireland to
attend the Court of Queen's Bench, on a writ of error
which was being argued at the time. I was removed
under the Act of *Anteas corpus* to attend that court.

3485. (*Chairman.*) You were removed on the 15th
of November 1866?—Yes, my lord; I thought it was
somewhere about that. I came back to Millbank on
the 1st December 1866. When I was taken to
Mountjoy prison they read to me the rules of separate
confinement. I told them that they were already read
to me in another prison, and that as I was under
Anteas corpus there, I thought I was not to be under
punishment. Every prisoner is supposed to be nine
months in separate confinement, and during those nine
months he is supposed to do certain work within cer-
tain hours; and when I was sent to Mountjoy they
wanted to compel me to conform to the rules of
separate confinement which would amount to a punish-
ment, to pick oakum. But when I went to the prison
after I returned from the court, I refused, and said, I
will pick no oakum in the intervals of attending the
court. Mr. Murray, the director, came to me and
asked me if I was disobeying the regulations. I said
I did not disobey the regulations through any spirit of
inobedience, but I did say on principle, that I was
there under the *Anteas corpus*, and I thought it most
unfair to ask me. He did not object to that at the
time. "Well," says he, "if you object on principle
I see what you mean," so after having full time for
consideration, which I detailed in my statement, Mr.
Murray came in about 10 o'clock at night, a most un-
seasonable hour, and on the following Monday morning
the governor came to the cell where I was located and
read the decision of Mr. Murray, that if I did not pick
the oakum I was to be punished with seven consecu-
tive days bread and water. I was kept on the bread
and water, I think, six days, and on the evening of
the sixth day I was taken off by, I understood, the
order of Dr. MacDonnell.

3486. (*Dr. Lyons.*) Can you assert positively that
you were for six consecutive days confined on bread
and water?—I was. I am positive that I was at least
five days and a half. I was put on bread and water
I think, on Monday evening, as well as my recolle-
ction serves me, at half-past 3 o'clock, and I was
either five days and a half or six days.

3487. Are you prepared to state positively to us
that you were kept for five and a half consecutive
days on bread and water?—I am. To the best of my
recollection it was five days and a half. I got a
dinner on the evening of Sunday, after I returned
from exercise by the order of Dr. MacDonnell.

3488. (*Mr. De Vere.*) At the end of that period,
were you examined by Dr. MacDonnell to see if
your health suffered?—I was neither examined after
I was put on the bread and water or before.

3489. Do you know, of your own knowledge, why
the latter part of the sentence was removed?—I do
not.

3490. (*Dr. Lyons.*) But you think that it was done
in consequence of a representation made by Dr.
MacDonnell?—I was told so by the warden when
he brought me the dinner. He handed me the dinner
through a trap door about 9 inches by 6. He handed
it in and said, "Here is your dinner." I said, "Who
ordered this?" He said "Dr. MacDonnell sent it
to you." I said, "Am I not on bread and water yet;
the punishment will not be up until to-morrow." He
said, "Dr. MacDonnell ordered that you are to get
no more bread and water." So I got no more bread
and water. I got a pound of bread a day.

3491. (*Mr. De Vere.*) As a question of fact, had
your health suffered in that period?—Oh, I cannot
tell that. Of course it must have suffered from bread
and water for six consecutive days.

3492. (*Chairman.*) Continue your statement if you
please?—To be driven to attempt suicide, as Mr.
Milady, political prisoner at Portland, was, and to com-
mit suicide to escape the hardship incidental to the
condition of a prisoner undergoing sentence of penal
servitude. This has been done by several convicts.

3493. (*Dr. Lyons.*) What case do you specify there?
—I specify the case of a great number.

3494. But who did commit suicide?—I cannot
specify, but I understand that shaving was stopped
in the prisons in which suicide has been committed,
and several cases I believe can be shown in Millbank.

3495. You do not specify any cases?—I cannot
specify any others. Milady, I think, is with the
convicts.

3496. How does he spell his name?—I think he
spells it M-I-L-A-D-Y. With regard to the other
facilities, I was going to enumerate that we were
served with a second notice here. These are some of
the things that we consider incidental to the condition
of prisoners undergoing penal servitude, and which of
course, my lord, if the Commission has not power to
inquire into, it would be useless for us to come for-
ward with statement, at all; because if you have not
power to inquire into things that we consider inci-
dental to our condition, I contend that all those are
incidental, and can be proved to be incidental to the
condition of a convict, every one of these.

3497. (*Chairman.*) I must ask you, are you pre-
pared with proofs of those allegations which you have
made, and witnesses to support your statement?—
Well, my lord, this morning I made a communication,
which I do not know has been forwarded to you or
not. Captain Harris came to me on the 24th of June
and asked me if I wanted any assistance in preparing
my statement. He did not specify what he meant by
assistance, nor did I understand. He had a document
in his hand, and asked me did I want assistance. I
thought he meant a clerk to copy something for me.
He did not say any more than I came to know if you
require any assistance. As the matter was so vague,
I said that I would take time to consider. I after-
wards learned from my friends that he meant legal
assistance, and I wrote to him this note—"Sir, in
reply to a question you put to me this morning,
namely, if I wanted any assistance in preparing my
statement for the Commission appointed to inquire
into the treatment of treason-felony convicts, and
owing to the scanty and vague information you
afforded me, I felt unable to give you an answer
at the time, until I learned more fully from my
fellow-prisoners the import of your communication."

"I now beg to inform you that I do require the assistance of Isaac Butt, Esq., Q.C., Dublin, in preparing my statement and watching the proceedings of the Commission on my behalf; and of my friend or friends who may assist me by advice or assistance, in preparing for the Commission. With reference to the documents which I require," they were some documents I applied for and have not got.

3498. What documents are they?—I will read them for you. "I beg to inform you that I shall want the original, or a true copy of a statement forwarded by me to the board of directors of convict prisons, about the end of September, or beginning of October, 1867, and the reply to the same; the original, or a true copy of a memorial forwarded by me to the Secretary of State, in the month of July, or beginning of August, 1868, the medical certificate accompanying the same, and the reply of the Secretary of State."

3499. From whom was the medical certificate?—From Dr. Campbell. I think it was about the 10th of August. I think as I since have written this, as well as I can recollect.

3500. Any other document?—The original, or a true copy of a statement forwarded to me by the board of directors of convict prisons, in January or February 1870, and the reply to the same; "I won't be positive whether it is January or February. The medical notes of Dr. Gover in Millbank convict prison, forwarded by him to the medical officer relating to my health in the end of Dec. 1866, or beginning of January 1867; the medical notes made by the medical officer of Portland convict prison, between the month of May and the month of November 1866; the medical notes relative to my health, made by the medical officer of Dartmoor convict prison, between the date of my reception as such prisoner, and my removal to the invalid convict prison, at Woking, in May 1867." I think I was received at Dartmoor in February 1867, and removed to the prison in May 1867.

3501. You came here on the 11th May 1867?—Yes. We are not allowed to copy any entry of any sort in the prison whiteners. "Also a copy of the report relative to my health, made by the medical officer of Dartmoor convict prison, and forwarded to the medical officer here, when I suffered from hemorrhage from the lungs, in the month of May 1867."

3502. Do you state to the Commission, then, that an opportunity of reading those various documents to which you refer, or so many of them as are material, is necessary to enable you to make a statement?—I do. There are certain facts that are not detailed in my statement that are detailed in those statements; and those statements were not made with an object, for there was no Commission then likely to be. "Also a copy of the report of the Commission held by Messrs. Pollock and Knox relative to the treatment of State prisoners in English prisons," made in (I think it was in probably June or July, I cannot say). They came here in May."

3503. (Dr. Lyons.) What is it you want?—I want to get a copy of their report, Dr. Lyons, particularly.

3504. (Chairman.) We took down all that you want; but it will be for us to decide by-and-by, how much we can give you?—Very good, my lord. The reason I want that particularly is, that I gave certain evidence to the Commission which I understood they did not publish, and they suppressed "copies of medical case sheets relative to my treatment in this prison; the originals or copies of my suppressed letters." I should prefer the originals.

3505. (Dr. Greenlaw.) Can you give us the dates?—I cannot give you the dates.

3506. How many of them are there?—Well, really, I could not tell you that either. I believe there is a page of a book signed by each prisoner, and they make an entry there of the letters he writes and receives.

3507. (Mr. De Fern.) Do you know which of your letters were suppressed and which were not?—Yes; I know letters relative to my health were sup-

pressed, because I mentioned the state of my health at the time when I came from Dartmoor.

3508. Has it been communicated to you why those letters were suppressed?—Oh yes, because I spoke of my health. Any matter relating to the prison I would not be allowed to state.

3509. (Mr. Broadbent.) When a letter has been suppressed, does the governor inform you that it has been suppressed?—He may in a week or a fortnight, or in two or three days, or it may be a month. In one instance he did not inform me for a month. If he expects the director here he may hold it back until he comes here. The director visits on the 15th of the month, or on every 25th, he may come before the 15th or not until the 30th. If my letter was on the 15th he may keep it until the director came. For instance, a letter I wrote was kept until Mr. Fagan came to the prison.

3510. (Mr. De Fern.) When you are informed that a letter is suppressed, are you informed of the objectionable matter on account of which it was suppressed?—Yes.

3511. (Dr. Lyons.) When a letter is suppressed, are you allowed to write another in lieu of it?—Sometimes.

3512. Has it occurred to you that when a letter has been suppressed you did not get the option of writing another letter in place of it?—Yes, for months; for over a year. I will detail that in my statement. Copies of reports entered against me in the prison books, a copy of my option sheet.

3513. What is that?—It is some sort of official document in which I believe a sort of "huc and cry" of the prisoner is given, the number of reports against him, and other remarks. This letter was addressed to Captain Harris with the view of having it forwarded to the Commissioners, when he asked me what I would require; on this occasion that I gave no answer.

3514. (Chairman.) When was that written?—It was written on the 24th June 1870.

3515. (Dr. Lyons.) Do you wish to read that?—I have read the letter for you. Those things have been enumerated in that letter. On the 26th June, Captain Harris said to me, "You mention a wish to see Mr. Butt, Q.C., to assist you?" I said "Yes." "You can write to him," said he, "and I will forward your letter in the morning." That was on Sunday when he told me that, and I have not since heard from Mr. Butt.

3516. That was on Sunday, you say?—That was on Sunday, Dr. Lyons.

3517. You are quite sure that you were not informed before Sunday?—No, not before Sunday, about 11 or 12 o'clock, I think.

3518. (Chairman.) Sunday last, I suppose?—Sunday last, the 26th.

3519. (Dr. Lyons.) What did you do then?—I wrote the following note.

3520. To whom?—To Mr. Butt.

"Woking prison,
Sunday, 26th June 1870.

"I PRESENT that the Commissioners appointed to inquire into the treatment of treason-felony convicts in convict prisons have already caused to be communicated to you the contents of the following letter which explains itself:—

"Woking convict prison,
Infirmary ward, A, 1,

"Sir,
24th June 1870.

"In reply to the question you put to me this morning, namely, if I wanted assistance in preparing my statement for the Commissioners appointed to inquire into the treatment of the treason-felony convicts, and owing to the scant and vague information you afforded me, I felt unable to give you an answer at the time until I learned more fully from my fellow-prisoners the import of your communication. I now beg to inform you that I do require the assistance of Isaac Butt, Esq., Q.C., Dublin, in preparing my statement and watching the pro-

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29 June 1870.

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29 June 1870.

"readings of the Commission on my behalf, and of
"any friend or friends who may apply to assist me
"by advice or assistance in preparing for the Com-
"mission. With reference to the documents I
"require, I beg to inform you that I shall want the
"original or a true copy of a statement forwarded
"by me to the Board of Directors of Convict
"Prisons, about the end of September or the begin-
"ning of October 1867, and the reply to the same;
"the original or a true copy of a memorial forwarded
"by me to the Secretary of State in the month of
"July or beginning of August 1869, the medical
"certificates accompanying the same, and the reply
"of the Secretary of State; the original or a true
"copy of a statement forwarded by me to the Board
"of Directors of Convict Prisons in January or
"February, and the reply to the same; the original
"notes of Dr. Gower, in Millbank convict prison,
"forwarded by him to the medical officer relating
"to my health, in the end of December 1866 or
"beginning of January 1867; the medical notes
"made by the medical officer of Portland convict
"prison between the month of May and the month
"of November 1866; the medical notes relative to
"my health made by the medical officer of Dartmoor
"prison between the date of my reception at that
"prison and my removal to the invalid convict
"prison at Woking, in May 1867; a copy of a
"report relative to my health made by the medical
"officer of Dartmoor convict prison, and forwarded
"to the medical officer here when I suffered from
"hemorrhage from the lungs, in the month of May
"1867; a copy of the report of the Commission
"held by Messrs. Pollock and Knox, relative to the
"treatment of the State prisoners in English
"prisons; copies of medical case sheets relative to
"my treatment in this prison; the originals or
"copies of my suppressed letters; copies of the
"reports entered against me in the prison books;
"a copy of my capias sheet.

"I am, sir, yours,

"Dennis DOWLING MURRAY.

"To W. G. V. Harris, Esq."

"Captain Harris that day verbally informed me
"that I might communicate my wishes in writing
"to you through him. I presume therefore that
"the Commissioners have acceded to my request as
"above expressed, and that they have retained you
"to assist me in the proceedings of the Commission.
"As the Commissioners have notified that they would
"permit me to address them on the 29th instant, I
"shall feel obliged by your superadding on receipt of
"this to Captain Harris, deputy governor of this
"prison, as to whether I shall have the aid of your
"valuable services on that day or not.

"I am, dear sir,

"Respectfully yours,

"Dennis DOWLING MURRAY."

"P.S.—You can give me your views more fully by
"post, bearing in mind, however, that your letter
"will be read by the prison authorities."

"That letter was handed on the morning of the 27th
"instant to Captain Harris to be forwarded to Mr. Butt,
"and I have had no reply from Mr. Butt since.

3521. (Mr. Broadrick.) Did you receive any reply
"from Captain Harris to your application for all those
"documents that you have mentioned?—I asked
"Captain Harris whether he had received any of those
"documents, and he told me he had received no docu-
"ments.

3522. He told you that by word of mouth, did he?
"—Yes, on the 32nd. (Reads.) "Saw the acting
"governor this day and asked to be furnished with a
"copy of notice read to us in the afternoon of yester-
"day by the secretary to the Commissioners. I
"asked also if I could communicate freely under seal
"with the Commissioners, and for copies of the
"documents mentioned in this slip. He promised to
"let me have a copy of the notice, refused to let me
"communicate with the Commissioners, and told me

"send my application for the documents in writing,
"which I did."

3523. (Dr. Lyons.) What did you mean by "com-
"municating under seal with the Commissioners"?—I
"wanted to state to the Commissioners what things I
"required; for instance, here is one of the documents I
"required.

3524. What did you mean by "under seal"?—In
"an envelope that would not pass through the hands of
"the prison authorities.

3525. Have you since got an envelope?—I was
"offered one to-day by the governor to put my state-
"ment into to hand to the governor, but I did not mean
"that; I meant that during the interval which elapsed
"between your leaving here on Tuesday evening I
"think it was, yes, Tuesday evening, and to-day, that
"I might communicate anything I had to say on such
"matters to the Commissioners themselves, not allowing
"it to pass through the hands of the prison authorities.

3526. (Chairman.) In point of fact no statement
"from you has passed into the hands of the prison
"authorities?—These statements that I have read have
"all passed through the hands of the prison authorities.
"I had to give them to the prison authorities to have
"them sent to you.

3527. (Dr. Greenhow.) What you objected to
"their seeing, you kept back?—For instance, here is
"what I kept back particularly.

3528. You had the opportunity of keeping back
"some?—Yes, I kept back the last of the subjects which
"I regard as incidental to the condition of a prisoner
"undergoing sentence of penal servitude, and which I
"have already read for you with regard to what I
"consider incidental treatment. That I did not forward
"to you which I intended to do. I also have not read
"the whole of it to you. This was a part of the state-
"ment. I stopped, my lord, in reading it to you some
"time ago. (Reads.) "But if the Commissioners," it
"went on to say, "are empowered to interfere into the
"treatment which evidences *per se* a disregard for
"health, or calculated to permanently impair health
"of lunatic-dolour convicts, we are ready to lay
"before them statements we have made and which
"contain an account of the treatment we have received
"in British convict prisons, provided such conditions
"are guaranteed to us as we will secure a truthful know-
"ledge of the facts to the public and justice, alike to
"our jailers and ourselves." This was a part of the
"documents I intended to forward to you under seal,
"and I did not give it to the prison authorities as I
"could not do so under seal.

3529. (Mr. Broadrick.) Have any of the papers that
"you now hold in your hands passed out of your hands
"into the hands of the prison authorities?—Yes, all
"these; for instance this is a copy of a note which I
"addressed to the governor on the 22nd June.

3530. But the governor has never seen, I presume,
"the actual copy that you now hold in your hand?—No;
"he has seen the original.

3531. (Chairman.) It was addressed to him?—
"Yes, it was addressed to him, my lord.

3532. (Mr. Broadrick.) But as I understand, the
"papers that you are actually holding in your hand now,
"have been in your own custody, and no one has seen
"them?—Oh, they have been always in my custody.

3533. (Dr. Lyons.) Have you been allowed to
"keep private what you wanted to keep private?—Yes,
"I have.

3534. (Dr. Greenhow.) We want to know if you
"have had an opportunity of preparing this statement
"which you meant to submit to us?—Well, I cannot
"say that I have had an opportunity as fully as I
"would wish.

3535. (Chairman.) In what way?—Because I
"should have known from you if you intended to pub-
"lish our statements in *extenso* or not, with your report
"as an appendix, or whether you intended to admit the
"press.

3536. I thought it was mentioned in the notice that
"publicity would be given to the evidence?—No, my
"lord; the only notice was this notice which was

read to us the morning we were separated. We were separately placed in B ward with a cell or two between each of us, and we were not allowed to see each other while we were in the ward in any way, in going to exercise or returning, or at the closet, or in any way. In fact, I considered that the punishment to which I am put was an impudent that if allowed to remain with my fellow-race that I would consider a tale. I consider it was very unfair.

3337. As I understand the statement that you have now made, it relates to two classes of subjects: one being points which apply to all prisoners within convict prisons with regard to which you allege various evils and grievances. Now are you prepared with any evidence on those points?—On those points.

3338. Yes?—Well I think evidence will be prepared, and some of my statement will bear on some of those points.

3339. When I say evidence, I refer to oral evidence?—To oral evidence.

3340. Yes; because a written statement is not evidence, it is a document that stands to be proved. Do you wish to produce any proof of any of those charges, such, for instance, as heads manacled behind the back, and other charges of that character?—Jeremiah O'Donovan Rossa; I will read a document which probably will explain what I meant with regard to this matter. This is a document addressed to you, my lord; a letter after I have had a communication from Captain Harris with regard to assistance, when I understood what "assistance" fully meant, at least what I thought it meant at the time:—

"Waking Invalid Convict Prison,
" Surrey, England,
" Infirmary Ward A.I.

" I wish to convey to the Commissioners appointed " to inquire into the treatment of treason-felony prisoners that I feel I was embarrassed by restrictions " placed upon me in not allowing me to communicate " freely under seal, and to forward to them my communications; also by the unsatisfactory way in which " communications from the Commissioners up to the " present have been sent to me by the governor or " officials." Your communications were never read to me; I was simply told verbally what was meant. If a communication was sent by you to me it was not read. I was simply told verbally what was meant. If a communication was sent by you it was not read. I was merely told verbally what was meant. I got information this morning that the Secretary of State cannot permit me to communicate with my fellow prisoners; therefore that precludes the possibility of my bringing several matters into my statements which I otherwise would do.

3341. Into the portion of your statement which has special reference to yourself?—Yes.

3342. What evidence do you wish to get with regard to that?—As I have said here, there are several of my fellow prisoners in Portland who were there when I was there, who saw what I suffered, as I saw they suffered.

3343. If you make any distinct allegations, when we are at Portland we will examine them on the subject?—But I cannot be there then, my lord. You see that I was misled by the Commissioners, because I can again tell that I can consult with my friends, and here is a statement which excludes any political prisoners.

3344. Yes; we have the decision of the Secretary of State on that point?—Then, my lord, if you cannot allow me to examine witnesses, it is useless, because if my friends outside cannot know what I say it is no privilege to me whatever.

3345. We can allow you to examine any witnesses you please, and amongst them, prisoners; but the Secretary of State, with whom the decision rests, has decided that you cannot examine prisoners who are confined in other prisons, in your presence. We will take a note of your statement, and when we go to the prisons in which such prisoners are as you may choose

to refer to, we shall examine them on the point?—I also wish to know, is there any communication from Mr. Butt? I have also this morning a communication from my sister, to say that a friend from Dublin would call on me in reference to the Commission. Therefore, under those circumstances I am not prepared to go on, because if Mr. Butt is to assist me I wish to wait.

3346. I had better explain to you at once what has been done. We have decided, and shall not alter that decision, that we shall not admit any counsel or friend into the prison to be present in the room while the prisoner is making his statement to us, but that full facilities will be given to the friends of a prisoner, under such regulations as the Government may think necessary, whether those friends be legal or not, to assist him in preparing his statement?—But, my lord, the great question on which much of the evidence will depend is this: you ask me, for instance, if I can prove certain statements which I make in the documents that I have already read for you, with regard to what I consider incidental to the condition of persons undergoing penal servitude. The Secretary of State deprives the Commission of much of its value by not allowing me to examine those prisoners that saw my treatment. Will he allow me to examine the prisoners in this prison?

3347. Yes?—Then I cannot see, my lord, the legality of the objection of allowing me to examine the prisoners with whom I was associated a number of months, and who saw the treatment I received as well as I saw the treatment they received. I think it is most unfair to deprive me of that privilege, my lord.

3348. (Dr. Greenhalgh.) If you make any allegations with regard to your treatment which those prisoners can verify, we shall take down the allegations, and shall take care to examine any of those prisoners that you refer to, on all the points which you state.

3349. (Chairman.) We cannot go further than that?—But don't you see, sir, that my objection to the Secretary of State's decision is this, that it is quite unfair to say—it is a plausible thing for the public, to say to them, "we will give every facility to the prisoners to prove their cases," and at the same time I am deprived of the privilege of writing to my friends with regard to those statements. I cannot write a single line, even to my sister; so that I consider any privilege given to me is a mere cover to the matter.

3350. (Dr. Lyons.) You can see your sister?—Oh, yes, Dr. Lyons; but see the expense of bringing her here for a few minutes. The governor read a document to me, saying that the Commission was coming, and he comes and he says, "Do you want any assistance?" I did not know what assistance may mean; whether it was to copy this statement.

3351. (Chairman.) We have explained to you that if you wish to see anyone before making your statement you can do so; that is, under such regulations as the Government may allow. We cannot go beyond that. Are we to understand that you are not now prepared to go further into any statement respecting your own case until you have seen the documents that you have referred to?—The documents referred to, my lord; and I understand you will let me have in writing the questions on which the Commissioners are prepared, with regard to the publication of the evidence that may be offered. I have got no document relating to the evidence being published.

3352. (Dr. Lyons.) What do you want to know about that point?—I want to know, Dr. Lyons, will the statements I may make there be published as evidence in that document; that is my statement.

3353. (Chairman.) We are not prepared to say more than that we will publish what is material to your case, giving you full opportunity to prove your case?—That was what Messrs. Pollock and Knox said, that they were to give what was material, which was not done. If you publish only what you consider relevant and not the whole evidence as I have stated, it will not be satisfactory.

3354. (Dr. Greenhalgh.) The evidence will be pub-

D. D.
Africay.

29 June 1870.

D. D.
Mulcahy.

20 June 1873.

lished if it bears on your treatment or on that of any of the prisoners.—Then I won't hand in any statement until I see Mr. Butt.

3555. (Dr. Lyons.) Do you understand the conditions under which you can see your friends?—I do not. Probably it would be better to let me have it in writing.

3556. (Chairman.) That shall be supplied to you?—And if you will let me have a copy of the regulations under which the friends of the prisoners will be allowed to see them.

3557. Oh, that we have not any power over; it rests with the Secretary of State?—Which, my lord?

3558. The regulation of the mode in which persons who may wish to come for the purpose of seeing you will have access to you, as to the house and so on?—What is the restriction, my lord; supposing Mr. Butt comes here, will I have to see him in the presence of the governor or any of the officers?

3559. (Dr. Lyons.) No, certainly not; you shall see him by himself?—When will you be prepared to let me have an answer with regard to those documents, my lord?

3560. (Chairman.) We will make inquiry whether they can be procured, and all such parts as are material to your allegations shall be supplied to you?—The medical certificate sent with my statement is material to me. For instance, as I detailed in this memorial when I was some 10 weeks subsisting on 20 ounces of solid food daily, and that of not a very good description, the doctor allowed me to go on, and would allow me, I may suspect, as long again. He inquired, of course, to be able to state that he had not neglected the matter. I wish to see what the certificate of the doctor was that accompanied that memorial. I consider that of vital importance to me.

3561. We will do our best to obtain for you all that may seem to us material?—But, my lord, if you would allow me to have those documents, and afterwards if you consider that the use I make of them is not relevant, of course you can controvert that, and I will submit to your decision on the matter. They would be of very great use and importance to me. I am now nearly five years confined in convict prisons; I have suffered severely in that time, and have been very badly treated as I am prepared to prove to you. There is another question that I wish to ask your lordship before I go. Supposing, my lord, that our statements are laid before you, I object to have my statement placed in the hands of the authorities or prison officials, or abstracts of it in order that they might reply to them, unless we be also furnished with copies of their statements and be allowed to prove those charges that they may controvert or deny in writing or verbally.

3562. The Commission must reserve to themselves the opportunity of recalling you if you make any charge against a warder. If the Commissioners are not satisfied they may perhaps recall you?—Will you allow me to ask questions of the doctor?

3563. (Dr. Lyons.) We will receive all statements or such as you may choose to make?—Just so. Will you allow me to ask the doctor questions?

3564. We will ask such questions ourselves arising out of what you say as may be necessary to elicit truth as regards any statement whatever that you may make, and those inquiries will be as fully made, if not more fully than you could possibly make them?—Then will you submit to others any statement that I may make in order that they may refute it?

3565. (Chairman.) No; we are ready to have any complaint that you may make. The prison officers will have an opportunity of answering these, and you will have an opportunity of supporting them by evidence?—You will, then, furnish me with such portions of my evidence as they controvert or deny, my lord.

3566. Upon making your statement you will of course be at liberty to support it by such evidence as you can adduce?—But if I were in a court of justice I would know what the opposite party said. Here, if you call me up I cannot be so well prepared. Others have books and dates and entries, and every facility

for preparing their cases, but I have no such facility. They can come up and state certain matters; I might call them certain occasions.

3567. I think that you might leave to the Commission the duty and responsibility of conducting the investigation fairly, which it is our desire to do. Do I understand you that you wish to withhold making any further statement until you have been supplied with the documents to which you refer?—Yes, my lord; the conditions on which the Commission is going to act with regard to the publication of the evidence.

3568. That you shall have?—Very well, my lord. I did not yet give you the names of the persons that I require to substantiate my case.

3569. We will take them down?—Now, I respectfully submit, my lord, that if "assistance" means the assistance of my fellow-prisoners who can aid me in preparing my statement before I place it in the hands of the Commissioners, then I require the assistance of John O'Leary and Thomas Clark Leahy now in penal servitude in the convict prison of Portland, and of Jeremiah O'Donovan (Boan) and Charles Underwood O'Connell, also in penal servitude in Chatham convict prison.

3570. Those persons are all prisoners in other prisons?—Yes, now in the convict prisons of Portland and Chatham, undergoing penal servitude.

3571. I have already explained to you that this will not be granted?—If I call other prisoners, my lord, who will pay their expenses?

3572. I tell you that you cannot call them from other jails?—Supposing I call upon released prisoners who are in Ireland at present, who will pay their expenses of coming? You see, my lord, it is useless to give the prisoners permission to call released prisoners who are in Ireland, in Cork or Dublin, for instance without paying their expenses.

3573. (Dr. Lyons.) At all events let me know who the persons are that you want to give evidence on any point that you think important?—Charles Joseph Kickham.

3574. (Chairman.) Where is he?—At Mellinsahone, in the county Tipperary. There are others whose addresses I cannot give you; but my sister, Miss Mulcahy, of 3, Merrion Terrace, Merrion, I think, will be able to find them. James O'Connor, Martin Hanley Carry, and Patrick Barry.

3575. (Dr. Lyons.) You refer us for their addresses to your sister?—Yes; Miss Mulcahy, 3, Merrion Terrace, Merrion, Dublin.

3576. (Dr. Greenhow.) Do you call those released prisoners with a view of their giving evidence with regard to your prison treatment?—With regard to my prison treatment and the general treatment of prisoners when I was a prisoner with them.

3577. (Chairman.) They can give important evidence bearing on your prison treatment?—Yes; we were all treated in the same party. They were near me and saw me explain as you now see me; they were around me, and they saw what was done to me, more or less, when I was a prisoner and had hemorrhage from the lungs in Portland, and that I consider a very important matter for me to establish.

3578. (Dr. Greenhow.) We are exceedingly anxious, as you may see, to arrive at the truth, and are willing to receive from you any statement you may wish to make, and also that you should mention any witnesses who may be able to give evidence confirmatory of that statement who may be in other prisons. You have been told that we will take particular care that the evidence of those witnesses shall be carefully taken on the points you specify. We are also willing to receive the evidence, as Lord Devon has told you, of released prisoners if they choose to come, but we cannot bring them unless they choose to come themselves?—Then, in that case I cannot produce them. This you must record for me, I humbly submit; that I have stated that these are material witnesses for my case; that I am a convict and cannot procure them, and that I have no means of bringing them.

3379. (*Mr. De Vere.*) We have the power of receiving your application for the evidence of those persons, and we have the power of communicating that wish in some way to them?—But I would not wish that wish to be conveyed to them, because I know they would go to expense that probably some of them may not be able to bear, and I do not want to embarrass my friends in that way.

3380. (*Chairman.*) Do you not wish that they should be informed you want them?—Not at my expense. As this is a Government inquiry, and as I think them material witnesses for the support of my statement, I respectfully submit that the Government should bear the expense of bringing those witnesses.

3381. To what charges would you want O'Connor, for instance, to speak?—On the treatment which I consider capricious on the part of the governors of Portland, coining where we were working and telling the jailer in charge of us to "report three or four of these men to-morrow," without any specific reason. These prisoners were on that occasion punished with seven days' bread and water and penal cells.

3382. How does that affect you?—It is part of the treatment that prisoners with whom I was received. On that occasion I was asked by the officer in charge "What am I to do; the governor has given me orders to report four or five of you for talking?" Well, said "I," "I am blameable for that much as anybody else; you should report me as well as the rest." The names I understood were sent in and the governor objected, and he brought up the names of some other prisoners, and the governor punished them. That I consider important, because whatever was done to any one of us when we were together in prison, I am in the same place and subject to the same treatment, whatever it may be. And I understand, Lord Devon, clearly, that you are prepared to go into the matters that are incidental to prison life. I had probably better read the paragraph for your lordship. "But if the Commissioners are empowered to inquire into the treatment which evidences per se a disregard of the conditions necessary for health or calculated to permanently impair the health of the treason-felony convicts, we are ready to lay before them statements of the treatment we have received in British convict prisons, provided there is a guarantee that the Commissioners will secure a truthful knowledge of the facts to the public, and justice alike to our jailers and ourselves."

3383. What we are prepared to do is this; if you or any of the treason-felony prisoners are treated in the same manner as the other convicts in the prison, we are prepared to ascertain whether there is anything in that treatment so common to you and them which either proves injurious to your health or is unnecessarily severe or harsh. We are also prepared to inquire whether, if you are not treated in the same way as the other prisoners, there is anything in the exceptional treatment which is injurious to you?—But what is the ultimate object of this Commission, Lord Devon?

3384. Well, I can not here to answer questions; but I have told you what the object of the Commission was?—If we establish these facts, if we prove these allegations, and if ascertaining those things is the object of the Commission *bona fide*, although it is a private inquiry, those things will come into the possession of the authorities and we will be then subject to punishment doubly severe, which caused other Pollock and Knox's report.

3385. (*Dr. Lyons.*) Are you prepared to state that as a fact?—Yes, Dr. Lyons; after the report of Pollock and Knox our punishment was made doubly severe. In an invalid convict prison I was an invalid suffering in Portland. I will lay before you some statements on the labour I had to go through and other matters on that point.

3386. (*Chairman.*) The Commissioners will take special care that no prisoner shall suffer in any manner by reason of his giving evidence before the Commission?—Lord Devon is not aware of the improbability

that prisoners will suffer nothing for giving evidence. Supposing you left this to-morrow, what guarantee have I that I would not be sent out of hospital? When Mr. George Henry Moore moved on the 25th June for an inquiry into our treatment, we were kept in hospital five or six months. I was received there in January and kept to July, and I would not have been kept there probably a month, but that there were some other reasons. In the meantime there was an amendment, and this question was pending as to whether there would be an inquiry. We were kept all this time by the doctor and books allowed. In April I suffered much and could not use much food; but Dr. Campbell as soon as he got an order, discharged me and every treason-felony prisoner.

3387. Do you tell us that your detention in hospital was consequent upon Messrs. Pollock and Knox's inquiry?—No, but I say that the bad treatment we afterwards received was owing to it, and that the comparatively good treatment that we received in 1869 was due to the inquiry being about to be granted; and at the same time Mr. Moore, as I afterwards learned from my friend when he visited me, had a motion before the House of Commons for an inquiry into our treatment. The very moment that that motion was defeated—it was to come on on the 2nd of July I think—Mr. Fagan came down here, and said we would be no well in prison, and every man of us was immediately discharged from the hospital on the 5th of July, and we were then taken, and altogether different treatment pursued towards us.

3388. (*Mr. Brodick.*) Is that in your written statement?—That is in my written statement.

3389. (*Chairman.*) Your statements will be fully published so far as is connected with your own treatment or with the treatment of any of the treason-felony prisoners; but if you indulge in any political remarks we shall reserve to ourselves the discretion of publishing such parts or not. But anything in the statement which relates to your treatment or to the treatment of those suffering in the same way as you, will be published?—Very good, my lord; then I shall have no objection to that course.

3390. We will take care that so much of those documents you ask for as is material to your case shall be given to you, and we will fix a day at which the examination shall be resumed?—I will reserve the statement I have at present until I see Mr. Butt. In the meantime will you tell me, my lord, whether I can communicate with my friends outside on those matters; for instance, those parties that I have named as important witnesses. I cannot communicate with them. If I write a letter to them it will be sent to the directors and the Secretary of State.

3391. If it is simply a communication to any of those persons that you wish to have as witnesses and asking their attendance, we will take care to have it sent?—Then, my lord, I will consider with regard to some of them. I know that some of them could not come at their own expense.

3392. You will understand that we have no power to pay the expenses of such witnesses as you may choose to call.—If Mr. Butt comes he is not retained by the Commission?

3393. No; if he comes it is as a friend of the prisoner?—May I ask your lordship if you have been at Portland?

3394. We have?—Then you have taken the evidence at Portland already.

3395. We are probably going there again?—If I have my friend here, will he be allowed any opportunity of seeing the parties there that I consider necessary?

3396. The facilities that I have explained to you will apply to all the prisoners?—I understood that the Secretary of State will not allow me to see the prisoners in other prisons, but will he allow my friend to see them?

3397. If he goes there as a friend of a prisoner whom he wishes to see, he will be admitted?—But will he be admitted to anyone, whether it may be to prepare a statement or not?

J. D.
Stokely.
29 June 1870.

3398. If he goes as a friend of a prisoner to Portland he will be admitted to see him?—But must the application come from the prisoner in Portland?

3399. Yes?—But you say, my lord, I can communicate with the prisoners in Portland.

3600. But you will have opportunities of communicating with parties outside?—Yes, but if I communicate with friends and send for them—your lordship is not at all conversant with the enactments and restrictions placed in the way of convicts with regard to communication,—if I were to communicate now with my friends outside and said I wished John O'Leary in Portland to do so and so, and that they were to communicate to John O'Leary that he was to communicate with a certain party, the governor would not pass it on.

3601. We will take care that anything you consider necessary for establishing the truth shall take place?—But, my lord, may I have the communication headed to you?

3602. No; the communication must be forwarded in the usual way. We will communicate with the governor, and see that there must be full opportunity for communication afforded.

3603. (Dr. Lyons.) You see, that one adviser or friend, legal or otherwise, may see you and another prisoner also?—But, Dr. Lyons, I may remark that any observations I am making here are entirely suggested by the course which has been pursued by the governor of the prison. You will understand that the governor told me "You are at liberty to require assistance," without explaining what assistance that was; he tells me something vague.

3604. But you now know what it is?—I now understand.

3605. And that the same legal adviser may see you as well as other prisoners?—I understand that now,

The prisoner withdrew.

Captain Harris recalled.

3610. (Chairman.) Captain Harris, we have examined Thomas Bourke and Denis Dowling Mulcahy. We propose now to proceed to examine Richard Burke. We understand that he is an invalid. Is he in a position in which he can be properly brought down here, and in which if he were here we may expect to carry out his examination satisfactorily?—At the present moment I think he is quite incapable of moving from his bed, and if he does appear before the Commission I think he is quite incapable of giving them a clear account of his wishes; in fact of what is being done at all. He is quite incapable.

3611. Is he in a room by himself?—No, he is not.

3612. Is he allowed to be in a room by himself?—No; he is lodged with two others.

3613. The Commission are of opinion that we ought to see him. We can see him, I presume, better there than here?—He could not get up; I know that. The doctor told me so.

3614. Could he be conveyed down?—He could not walk down.

3615. (Dr. Lyons.) Why do you state that he cannot give evidence here?—Because to all the questions that I have addressed to him since the Commission has been ordered he has not given coherent answers.

3616. Do you mean to say that he is out of his mind?—I mean to say that his mind is affected. You cannot make a favourable impression on him.

3617. In what way is he affected?—He appears to be listless; he knows what you mean by words, but has no coherent ideas.

3618. Why do you think he is incapacitated from giving evidence?—Because his replies to all questions are rambling and incoherent. He does not appear to understand what is said to him.

3619. Then you think that he is of unsound mind?—I should say his mind is very much affected.

3620. Is it because you consider him of unsound

mind, or that you consider him incapable of giving proper answers, that you say you think his mind is affected?—I think his mind is so affected now that he cannot give evidence.

3621. How long do you know it to have been so?—It has been so to a marked degree for the last four weeks.

3622. Are there any precautions observed in regard to him so that if he be really out of his mind he should not have an opportunity of damaging himself or others?—Not that I am aware of. He is not so much out of his mind as to require those precautions. But of course

these are purely medical questions.

3623. No, I do not think they are; if they were, I would not ask them of you. Has he exhibited any disposition in regard to doing violence to himself or others?—No, he is perfectly quiet and tractable.

3624. But you say that he is incapable?—That is my opinion.

3625. I want your opinion, nothing more. Do you think that he is incapable of coming here and giving evidence before the Commission?—I do. Lately he has displayed more violence, more unruly temper, than he has within the last four months—within a month, I think.

3626. Could you mention any instances of the exhibition of such unruly temper?—One or two instances. He made use of gross language on one or two occasions, swearing, which he never did before.

3627. What else did he do?—He on one occasion attempted to push the officer from his dormitory.

3628. Did he attempt to strike anyone?—No.

3629. Has he taken his food?—No; I have seen a great deal of food in his dormitory from time to time.

3630. For how long have you observed that?—I have observed it since he returned from Millbank about a month ago.

3631. (Mr. Brodrick.) When you speak of four

months, you are dating back to the time before he went to Millbank?—Before he went to Millbank.

3632. (*Dr. Greenhow.*) Did you consider him to be as much affected in mind before going to Millbank as he is now?—I think he is more affected now than he ever was. He seems to be getting worse.

3633. (*Dr. Lyons.*) Was he ever in Broadmoor criminal lunatic asylum?—Not to my knowledge.

3634. Can you state, Captain Harris, whether Richard Barker was ever an inmate in Broadmoor?

The witness retired.

RICHARD BARKER examined in bed in the prison infirmary.

3635. (*Chairman.*) Can you tell me what your name is?—(No answer.)

3637. Do you know your name?—Of course I know my name.

3638. Well, tell me what it is?—No, I won't.

3639. These gentlemen here are come to inquire whether you are well treated or not?—(No answer.)

3640. We are come to inquire into how you are treated?—(No answer.)

3641. These are gentlemen forming a Commission sent by the Government to see whether you are well treated, and whether others with yourself are well treated. We want to know whether you have anything to say to us?—Who are you?

3642. Because if you have anything to say to us, we will inquire into it?—(No answer.)

3648. I will tell you who we are. I will give you the names of the Commissioners. That is Dr. Lyons; this gentleman is Dr. Greenhow; that is Mr. De Vere; that is Mr. Brodick; and I am Lord Devon, and we all come down here, sent by the Government, to see how you and the other treason-felony prisoners here are getting on. I want to know whether you have anything to say to us?—(No answer.)

3644. Have you anything to say?—I'll see. (*Rolls the clothes about himself and turns to the wall.*) By-and-by; by-and-by.

3645. Do you want to see anybody in order to assist you to make a statement?—I have no friends; no friends; no friends. (*Turning round suddenly.*) You would roast me; you would roast me alive, you would.

3646. No, we would not roast you alive. We merely want to know whether you are well treated here?—(No answer, but turns away.)

3647. Don't you feel inclined to talk to us?—Please let me alone.

3648. Do you wish that we should go away?—Oh yes.

3649. (*Dr. Greenhow.*) Are you satisfied with the way you are treated here?—(No answer.)

3650. Answer my question?—Go away from me; go away from me.

3651. Can you not answer a civil question?—Let me alone, I tell you. I won't stand it any more from any of you (*sitting up*). I don't interfere with any of you. You, let me alone; stand off from me, or by God I'll make you. (*Lies down.*)

3652. (*Dr. Lyons.*) Did you understand what Lord Devon said, that we are a Commission come here to inquire about you?—(No answer.)

3653. Won't you answer?—Let me alone, I tell you; I know you are all my enemies, every one of you. You would roast me; you would roast me alive.

3654. No, we would not?—You can't cheat me; you can't cheat me.

3655. Have you any complaints to make of your food?—Complaints? (*derisively.*)

3656. Is this a comfortable bed you lie on?—(No answer.)

3657. Are you able to sleep well at night on it?—Sleep? I sleep first-rate.

3658. Do you rest pretty well?—Oh yes.

3659. How is your appetite?—You are no friends; no friends.

lunatic asylum?—I cannot say positively of course, cannot speak from the time of his conviction. The medical officers, no doubt, could give you every information on that point.

3635. So far as you know, has Richard Barker ever been an inmate in Broadmoor asylum?—So far as I know I can say he has never been in Broadmoor asylum. This morning I was at his bedside with the secretary. He was then, as I have seen him for days past, rolled up in his blankets in a bed with his head under the clothes.

The witness retired.

RICHARD BARKER examined in bed in the prison infirmary.

3660. Have you any friends of your own outside that you would like to communicate with?—No friends. Where is Tom?

3661. Who is Tom?—You took him away from me; Tom.

3662. Have you any friends that you would wish to see?—I want Tom.

3663. Who else besides Tom?—No, Tom; I want to see him.

3664. Would you like to see your sister?—I want to know why am I in hospital. I want to know why I am here.

3665. Where are you?—Why I am here in this hospital.

3666. What hospital is this?—This hospital here; this prison hospital. Why am I here I want to know.

3667. What prison is this?—Do you suppose I am a damned fool or no, that I don't know those things? I know all things most accurately. I have a most thorough, accurate knowledge of everything.

3668. Are you properly treated here?—What have I to do with any of these men?

3669. Have you any complaints to make?—I want to see Tom. I am entitled to that by the rules. I want Tom.

3670. Have you any complaints to make of your food or medicine?—I won't take their medicine from them; no damned mixture either. Do you see that? (*Pointing to a speck on one of his fingers.*) I won't take as much medicine as that; not if I want to see thousands of beds, not so much as that (*emphatically.*)

3671. (*Dr. Greenhow.*) It has been stated by friends of yours and others outside, that you have been badly treated here. We want to know is that the case, for if it be so we would try to get it put right. Have you anything to complain of with respect to your food or your treatment generally?—Please let me alone.

3672. We really want to learn the truth. Have you any complaints to make?—I want Tom; I do.

3673. Tell us who is Tom and where he is to be found?—Oh, my God!

3674. Who is Tom? Is he your brother or your friend, or who is he?—Oh, damn it! Tom, Tom; you know Tom.

3675. Are you in good health now?—Oh, you let me alone; first-rate. You see me here; I am strong, strong, every way strong; nothing the matter with me in any particular; nothing the matter with me in any way. I can stand anything.

3676. And do you eat?—Eat? I don't want to eat; eat be damned. I want my friends; I want my friends. I want Tom again.

3677. Who are your friends that you want?—I want Tom.

3678. Who is Tom?—He is my friend.

3679. But where is he to be found?—My dear sir, I know the rules; I know the rules as well as any man.

3680. Where is Tom to be found; tell us that. We cannot send for Tom without knowing his name and address. Where is he?—I know where he is.

3681. Will you tell us where he is?—They took him away; he is gone somewhere.

3682. (*Dr. Lyons.*) Do you get your dinner, too,

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and breakfast?—Don't ask me such damned nonsense. You know very well I know all these things.

3683. I want to know if you are satisfied with the dinner you get to eat?—(No answer.)

3684. Have you any complaint to make of the food?—I don't want to take anything from any of them: not a bit.

3685. (Mr. Brodick.) Do they not see you well then?—Who?

3686. You say you don't like to take anything from them?—I would take nothing from anybody.

3687. I was afraid from what you said that you were not well used?—I want my friend. If you are

my friends you will give me my friend. I want my friend directly.

3688. (Dr. Lyons.) Is this milk yours (showing him a vessel of milk)? Why didn't you drink that to-day?—What is that? (pointing to the snow on it)

3689. That is only from the boiling of it?—You can't cheat me.

3690. Was this can of milk sent to you this morning?—[The prisoner turned away and gave no answer. As the Commissioners were leaving the room he looked towards the door and said, "Upon my soul I don't want them."]]

J. Campbell,
M.D.

JOHN CAMPBELL, M.D., examined.

3691. (Chairman.) You see the medical officer of this prison I believe?—Yes, my lord.

3692. How long have you been medical officer here?—Since the beginning of this establishment.

3693. How many years is that?—Since March 1860.

3694. Where were you before that?—I was formerly at Dartmoor.

3695. How many years?—I joined the invalid prison at Dartmoor in 1852, August 1852, and I have been ever since in the service.

3696. Postponing any more general evidence that we may wish to receive from you, allow me to ask you in reference to the case of Richard Burke, one of the treason-felony convicts in this prison, how long he has been under your charge here?—Since the 10th December 1868.

3697. What has been his medical state during that time?—He has been very strange in his manner and very confused.

3698. Has he been in hospital all that time?—All the time; he went to Millbank some time ago, the time that he was discharged to Millbank.

3699. When was that?—That was March 28th.

3700. Was his removal for the purpose of placing him under any particular medical observation?—He was removed by the directors' order.

3701. On what ground was he removed, do you know?—I do not know, but I rather think it was for observation.

3702. Was he brought back here?—He was.

3703. When he returned to this prison was he in the same state as when he left it?—He appeared to be rather worse.

3704. And has he so continued?—He has so continued; he is more reduced in weight, but I understand that arose from his refusing to take his food.

3705. In Millbank?—In Millbank.

3706. (Dr. Lyons.) Do they specify any reduction in weight?—Sent back from Millbank; found him "more reduced in appearance since he left: he is "also pale, symptoms confused, incoherent, excitable," weight on leaving Millbank not given.

3707. (Chairman.) He is one of the persons into whose case we are charged to inquire, and from whom we are charged to receive any statement that he may wish to make. Is it your opinion that he is or is not competent to make a statement?—I incline to think he is not.

3708. You think he is not competent?—Yes. When I thought the case very doubtful, I recommended that the opinion of a physician that made insanity a special study should be taken; Dr. Meyer was sent over, and he came a second time.

3709. From Broadmoor?—From Broadmoor. He examined him very accurately, and returned a second time and again spent some time examining him, but the man would not at that time allow that he had ever seen Dr. Meyer before.

3710. Are you aware that Dr. Meyer has sent in a written report to the Secretary of State?—I have not seen the written report. I understand a report was sent in.

3711. Do you concur with that view?—I concur with that view.

3712. Does he vary from week to week, or is he always in the same state?—He is in much the same state now as he was at the time of his reception.

3713. Is he at times very violent?—He is at times very excitable.

3714. We have just seen him, and he talked to us about his friend Tom. Tom, I understand, is Thomas Bourke?—Thomas Bourke.

3715. So far, he seems to have a knowledge of having friends?—Yes, but some time past he has been in a more delusional state, not inclined to speak and he has refused his food. That is since he was in hospital. He has always been in hospital here.

3716. Does he desire not to be in hospital?—No; he sometimes asks why is he there.

3717. Those who were with him were treason-felony prisoners?—Yes, Mulcahy and Dillon: they are both located in the same small room with him.

3718. Has Tom been allowed to see him at any time?—They always met each other when they went out for exercise.

3719. Has this man been out for exercise lately?—He has not been out lately.

3720. Is it your opinion that he is of a sufficiently sound state of mind to render him fit to undergo examination, and to make him competent to answer questions rationally?—Well, I don't very much that you will get much information from him. I am unable to get him to answer a question. He always turns away from me and avoids me in every possible way.

3721. Is he violent?—He is inclined to be excited.

3722. Does he strike?—He has not done so here. On one occasion he threatened to assault a strange officer who was put in charge. I then requested the governor to place another officer in the ward.

3723. (Mr. Brodick.) Has he shown any special excitement during the last fortnight or ten days?—I think he has been more sullen, and not inclined to speak. When I visit him morning and evening he is in bed and turns away from me.

3724. Does he appear more sullen when he is in the room by himself than when he is sleeping in a room with others?—Well, I have not an opportunity of judging. He has been very sullen ever since he has been removed away from the others.

3725. (Dr. Greenham.) Can you tell us the dates on which Dr. Meyer saw him?—Yes; on the 3rd January of the present year, and again on the 10th January.

3726. Did Dr. Meyer make any notes of his case here which you have?—He examined him alone. He was in the room with the prisoner alone.

3727. You have no document drawn up by Dr. Meyer?—No.

3728. You said some time ago that the prisoner was incoherent; would you explain how he has been incoherent?—He is confused, and cannot give a connected answer.

3729. Does he give a quite unconnected answer. Does he give an answer irrelevant to the question asked?—Generally he does not answer the question at all, but puts me off with "I don't want to have anything to say to you."

3730. But he has never given you an answer which was directly irrelevant to the question?—No, perhaps not.

3731. Has he spoken in an incoherent manner?—He has spoken in a rambling sort of manner if I wished him to take a little medicine. I have done so on several occasions, but he always refuses and becomes very much excited.

3732. Does he assign any reason for refusing to take medicine?—He said it would poison him.

3733. Has he said that more than once?—I have not asked him to take medicine for some time. That was the cause I believe of the first excitement. He made some complaint of that kind, of some medicine having injured him.

3734. (Chairman.) Has this been his state from the time of his first coming under your charge?—He has varied very little since coming under my charge. He complained first of loss of memory.

3735. (Mr. Brodribb.) Has he ever expressed the conviction that he was being poisoned?—No, not that I know.

3736. (Dr. Lyons.) Dr. Campbell, what is your professional opinion as to the mental state of Richard Burke at present?—At the present time I think he is a man of weak mind; I think his mind is affected; but I should not say that it is a decided case of insanity. It seems to me rather a doubtful case.

3737. Would you apply any term to define what his condition is at present?—Well, I should say that the man is labouring under dementia.

3738. Upon what grounds do you form your opinion, and now state that he is labouring under dementia?—Well, from his general symptoms and manner, his confused manner, loss of memory, excitability, refusal to take food, and incoherence.

3739. How far has his refusal to take food gone at any time?—It lately has gone to a great extent. He has taken very little for some days past. He has begun to take his food again. This is the hospital cook showing the food returned by the prisoners. This is the "returned food book."

3740. (Chairman.) Will you state the entries in his case?—Yes, my lord.

3741. (Dr. Lyons.) I will ask you to favour us with a certified copy of the case sheet of Richard Burke, and a certified copy of all the entries of refusal of food by Richard Burke?—Yes, sir.

3742. May I ask you is his state getting worse?—I think he has been worse since he returned here from Millbank.

3743. Do you think his condition is a progressive one since his return from Millbank; that he is getting worse day by day, or week by week, or month by month?—I did not detect much change until he was pined from his companions the other day. He has been in a low state ever since. Before that he was not much changed.

3744. You said that on some occasions he has exhibited symptoms of violence?—Yes, he is inclined to be excitable.

3745. May I ask if any precautions are taken, or have been taken or contemplated in regard to him in case he should suddenly exhibit any symptoms of violence and do injury to himself or to others?—I took that precaution when he threatened to assault the officer. I went to the governor and requested him to place another officer in the ward, which was done.

3746. Is that officer still in charge of the ward?—I am not quite sure if he is there to-day.

3747. Would you kindly send in a statement of the length of time during which this officer was there?—Yes.

3748. Has this officer been specially in charge of him?—There are two officers in the ward; this officer was specially in charge of him.

3749. Will you put in a return of the length of time that the extra warder was in charge of him?—It was only during the time that he was away from the others. There is not an extra officer now.

3750. Are there any extra precautions taken with regard to him at this moment?—Not at this very moment. Malesky and Dillon are with him. Power is in the same room during the day, but he is locked in a cell in hospital corridor at night.

3751. (Mr. Brodribb.) Does Richard Burke converse freely with his companions in the ward?—No; to my knowledge he does not. He has been so told and wishes to hold no conversation; but formerly he used to go down to the exercising yard with the others.

3752. (Dr. Lyons.) If he exhibited symptoms of violence at night what means are there now at hand to control him?—There is an officer commanding the ward; and if that man or any other patient got violent, he would at once get assistance.

3753. It is stated by Mr. Liddell, in a letter of the 24th February 1870, that "Richard Burke is now an inmate of Broadmoor Insane Asylum." Can you state whether the same Richard Burke was ever, at any time, an inmate of Broadmoor Insane Asylum?—Not that I am aware of, sir.

3754. Do you believe that he was?—I have no reason to believe that he was ever there.

3755. Is it at all likely or possible that he could have been for any time, however short, in Broadmoor Insane Asylum, in the interval between his being on two occasions in this prison?—I should think not without coming to my knowledge. I understood that he went direct from this prison to Millbank and was sent back here from Millbank.

3756. It was here that Dr. Meyer saw him?—Yes.

3757. And he saw him here on two occasions?—On two occasions in this room.

3758. Is there any record in the books of this prison as to the result of the examination made by Dr. Meyer on either of those occasions?—I should think not, because it was a private examination, and Dr. Meyer asked me to leave the room when he made the examination. Dr. Hoffman, assistant surgeon, and myself were in for a short time, but Dr. Meyer thought it necessary to see him alone.

3759. Quite properly. Was it at your suggestion that Dr. Meyer was asked to visit Richard Burke?—Yes.

3760. Why did you think it necessary to have him seen by Dr. Meyer, who I believe is specially conversant with mental disease?—It appeared to me rather a peculiar case; and I therefore thought it desirable to recommend that a physician who had made insanity a special study should be called in to give an opinion on the case.

3761. To whom did you make the application?—To the directors.

3762. Did you name Dr. Meyer, or request that he should examine?—I did not suggest any one.

3763. By whom was Dr. Meyer sent here?—I am not aware; I suppose by direction of the Secretary of State, but that is merely a supposition.

3764. Have you observed any illusions or delusions of any kind in Burke's mind temporarily appear?—No delusions. I have not been able to detect further than his great dislike to medicine. He has always a dislike to medicine seemingly.

3765. You stated in answer to Lord Devon that he was losing weight?—He had lost weight when he returned from Millbank.

3766. How is that shown?—I have got it here. When he came here first of all from Chatham, he increased very much, 12 pounds, and before coming here from Millbank he had refused his food for some time.

3767. Have you entries of his weight on his return from Millbank and at any recent date?—Yes, his weight on his return from Millbank was 161 pounds.

3768. On what date was it?—He returned from Millbank on the 21st May.

3769. Then on the 21st May his weight was 11 stone 7 lbs.?—On the 21st May.

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3771. Has he been recently weighed?—He has not been weighed since that time.

3772. Do you believe from observation that he has lost weight?—I think he has lost weight lately. He has been taking little food for some days.

3773. Do you think he has lost much weight?—I think he must have lost a good deal from his appearance.

3774. Can you suggest any way in which it can be positively ascertained, beyond any doubt that he never was at any time in Breconshire asylum?—I have no idea.

3775. Can a record be given of the days spent by him here and at Millbank, day by day, from any the 10th December, the time that he was admitted here, up to the present day?—Yes; the medical officer at Millbank will be able to give that information for the period of his stay there.

3776. Will you kindly furnish a record, day by day, from his reception here in December, until he was removed in March, and from his return to this day, and I will get from the medical officer at Millbank a return of his attendance there?—Yes, I think his caption sheet would give you the information.

3777. Where can we get that?—I can get it from the officer here.

3778. Get it, if you please. Can you put in the caption sheet?—The governor has got it in his possession.

3779. (*Mr. De Vere.*) What sort of food does he refuse, and what does he take?—He has been refusing almost everything for some days. His diet has been very liberal all along, consisting of low hospital diet, with chop and potatoes, porridge and milk, bacon and eggs, pudding, and half a pint of port. On the 27th finding him refusing his chop and potatoes, I ordered him chicken broth.

3780. (*Chairman.*) Did he take it?—He is taking a little of it, and some of the other things.

3781. (*Mr. De Vere.*) Does he reject the milk?—I think he takes a little milk.

3782. (*Dr. Ligon.*) Perhaps you would be kind enough to put in an extract from that book showing all the food he has refused?—Yes.

3783. (*Mr. De Vere.*) I asked you the question, because when we saw him just lately, he showed a particular repugnance to the milk, and pointing to it said, "I know what that is," or words to that effect. I ask you whether he has shown any special repugnance to any of his food?—No, sir; I have not observed it.

3784. Has he ever said that he believed it contained poison?—No, sir.

3785. Will you state, Dr. Campbell, for the Commission, how the symptoms of his insanity first presented themselves?—Shall I read the report; the remarks that I made.

3786. (*Chairman.*) What time was that?—At the time of his reception here.

3787. (*Mr. De Vere.*) I should like to ask you first, whether the symptoms had shown themselves in any degree, before the time referred to in your report?—Yes, he was sent here in this state.

3788. Can you state from anything in that document before you, whether the symptoms of his insanity had manifested themselves for some time before he came under your notice?—I had no opportunity of judging. He was sent here simply for debility, arising from abstinence from food; but they at the same time mentioned that he had been very peculiar, and refusing food for some time, and was a good deal reduced in consequence.

3789. Was his conversation incoherent at that time?—Yes, it was much the same as it has been all along.

3790. Then you cannot state what the symptoms were which first presented themselves when this insanity commenced?—No, sir.

3791. Do you know who the person is that he spoke to as of, calling him Tom?—Yes, that is Thomas Bourke. He seems very much attached to him, and

always wishes to be with him. That was his great grievance when he was parted from him.

3792. When was he parted from him?—At the time you gave the order for the separation of those men. He was moved from that small room into one of the hospital corridors.

3793. They have not been together since then?—Not since.

3794. How is it that they did not return to their former condition of association when that separate confinement ceased?—Because one was in prison and the other in hospital. Thomas Bourke is in prison; the other is a patient in hospital, and has been in bed. He has been in bed ever since.

3795. Richard Bourke was in hospital, was he not, before the separation?—Oh yes, but Thomas Bourke was not.

3796. But before the period of separation, were they not associated together?—No, sir; Thomas Bourke was in the prison and Richard Bourke in the hospital.

3797. But he complains very much of being separated from his companion, Tom?—Yes, because they have always been allowed, although some have been in hospital and the others in prison, to exercise together down in the yard, and he might have seen his friend, Thomas Bourke, when they would go down.

3798. Can you inform us why they have not been restored to the same condition of association since the restriction has been removed?—There is no difference but this, that Richard Bourke is not able to go down stairs.

3799. When he and Tom were together did they appear to converse freely with one another?—I have seen them walking about together, but I am not aware of the nature of their conversation.

3800. Have any of the other prisoners ever complained to you of being disturbed by Richard Bourke?—They have, but not very often; they have told me sometimes that he has been restless during the night, but in general he appears to sleep well.

3801. Have you ever had any opportunity of seeing whether they take an interest in the same subject, or whether they converse on any matter of common interest between them?—No, sir; I have had no opportunity of judging.

3802. You said that you considered him as a man suffering from dementia?—Yes.

3803. Is this the proper place to keep him, assuming that he is labouring under dementia?—No; I think it would be advisable to move him.

3804. Have you ever recommended that he should be removed?—I have not recommended it; no, sir.

3805. Have you ever made a distinct report to the Home Office or to the Directors of Prisons, to state that he is suffering from dementia, confirmed dementia?—No, sir; because the case has always appeared to me a little doubtful, and I have never had a good opportunity of forming an opinion on the case. He is always mixed up with the treason-felony prisoners.

3806. I think, that in answer to Dr. Ligon, you stated very distinctly that he is now suffering from dementia?—Well, my opinion all along has been that his mind is affected, to a considerable extent; I formed that opinion shortly after he came here, and my opinion has not varied. But still at Millbank there seemed to be a different opinion. But that has not seemed me to vary; my opinion has been the same all along. If you allow me I will read a letter that I wrote on the subject.

3807. You can read the letter by-and-by, thank you. Has the progressive nature of his complaint confirmed the opinion you previously had formed of his mind being insane?—Before he left this for Millbank, he seemed very much improved, both in his bodily and mental state; but since he returned he has not been quite so well.

3808. Is it the case that since his return, and very recently he has shown symptoms of violence. I mean threatening language, cursing and violent expressions

that he had never shown before?—No, not to any extent; the only instance was when he threatened to attack that officer.

3809. He is very anxious to be restored again to association with his old companions, I believe?—He is.

3810. Is it not the case that he wants to be restored to association with his old companions, particularly with Thomas Bourke?—Yes; I should think that very likely, because he alluded to Bourke several times when I visited him in the cell.

3811. And his being in hospital prevents his being associated with those companions?—Yes, as long as he is unable to go down and take exercise. But before leaving this he commonly went down and took exercise with the others.

3812. Is it not in consequence of his mental rather than his bodily state that you keep him in hospital?—I keep him in hospital for observation, both mental and bodily, because he is a good deal weaker.

3813. Is his bodily condition such as requires his being kept in hospital?—It is.

3814. It is?—It is.

3815. Was that the reason that he was all along kept in hospital?—No, the reason that he was kept was his mental condition and bodily.

3816. Must he not have been aware that the proper way to be restored to the association of his friends would be to get out of hospital as quickly as he could?—Yes.

3817. Does it not therefore strike you that if he is shamming insanity, which is the only alternative if he is not insane, he must be doing the thing that keeps him in a position that he very much dislikes, that is being in hospital separated from his associates?—Yes; that might be. He has asked me to go down before this inquiry commenced; he asked me to discharge him from hospital with the like view, to restore him to his friend Tom Bourke.

3818. Is he aware that it is in consequence of his mental condition that he is kept in hospital?—I am not aware; I cannot say.

3819. (*Mrs. Broadrick*.) Was it since this Commission of inquiry was announced to come that he made that request?—Oh, before it.

3820. (*Dr. Greenwood*.) I want to go back to the question of weight. By whom are the prisoners weighed?—By the principal infirmary warder.

3821. Is there any record kept of their weights?—Yes.

3822. Where does the record appear?—In this book.

3823. What do you call that book?—It is called the nominal roll.

3824. Does this contain the weights of the different prisoners at different times?—Yes.

3825. And of the same prisoner at different times?—Of the same prisoner at different times.

3826. Does this contain the weights of Richard Bourke at the several prisons in which he has been placed?—I have got that here, sir.

3827. May I ask you what was his weight when he was in Newgate prison?—I have not got that.

3828. What is the first weight that you have?—The first weight is from Chatham prison; he then weighed 154 pounds.

3829. That was on his discharge from Chatham?—On his discharge from Chatham.

3830. What was his weight on admission to Chatham?—172½ pounds.

3831. What was the weight on admission into Millbank previously to that, before going to Chatham?—Millbank 171 pounds.

3832. Millbank 171, on removal to Chatham 172½, and on discharge from Chatham 154 pounds; is that so?—Yes, according to medical history.

3833. When he was admitted at Woking from Chatham what was his weight?—169 pounds.

3834. What was his weight on discharge from Woking to Millbank again?—166 pounds.

3835. And the weight on admission to Millbank?—165 pounds.

3836. And the weight on return from Millbank to Woking?—161 pounds.

3837. Do you recollect what was his mental state in December 1869, when he came here?—I have got down here the remarks I made at the time.

3838. Read them out if you please?—“Richard Bourke arrived from Chatham 10th; medical report states he has been keeping flesh for some time and that there was a decrease of 18 pounds on the 8th instant; that he also has delusions about his medicines containing corrosive sublimate and that poison has been introduced into his food; that his behaviour was otherwise eccentric (real or assumed); had refused his food for some time and was considered to be suffering from debility the result of abstinence, there being no sign of organic disease. At the time of his reception here this man was tolerably robust in appearance and well made; he seemed absent and strange in manner, had considerable hesitation in expressing himself when questioned about his delusion, and said his memory has been affected for some time; complained of an unpleasant sensation in the neck and back part of the head, pupils acting well; pulse of good strength; tongue a little furred. With the exception of a peculiar hesitation and impairment of memory, and the idea that medicines would kill him, he appears free from delusions, and his mental faculties unaffected. Since reception he has taken all his food and regular out-door exercise, and from that time he went on improving in health and strength and increased in weight.

3839. How long did that improvement go on?—“On the 17th ordered scidlitz powder this morning, but he only took a small portion of it; seems little changed. His weight on his discharge from Chatham on the 16th instant is stated as 154 pounds, but on being weighed the following day it is 159, and on the 17th December it is 167.”

3840. Do you think he has become worse since December last?—I think he is worse now.

3841. And from what period do you date the deterioration?—I think from his reception from Millbank he has been worse than before.

3842. You mean that in your judgment he came back from Millbank worse than he went there?—I think so.

3843. When prisoners return food a record is kept of the returned food?—Yes.

3844. Does the book in which that record is kept come under your observation?—Oh yes, it is kept for my information.

3845. How do you set when you see that a prisoner has refused his food?—I give him a charge of diet if necessary.

3846. Do you examine into the state of his health?—Yes, at my regular visits I do, and this is pointed out to me. If the officer at my visit mentions that a patient is returning his food, I then look at the book to see what he has been returning and change his diet according to circumstances.

3847. But at all events the fact of a man's returning his food is a reason for your examining into the state of his health, is it not?—Do you mean, sir, in an ordinary case?

3848. I mean that when you hear that a particular prisoner has been returning his food, you find it your duty to inquire into his state of health?—Oh yes, sir; but I am alluding at present to patients in the hospital. This is the hospital book belonging to the ward that the man Richard Bourke is located in. I have got a book similar to this in each of the hospital wards.

3849. If prisoners who are not in hospital but in prison return their food, is there a record kept of it?—Yes, and it is reported to me.

3850. Do you, in consequence of that report, examine into their state of health?—Yes.

3851. Has Richard Bourke assigned any reason for refusing his food?—No; I am not aware.

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3852. Has he stated that the food disagreed with him?—No, sir; I think not.

3853. Has he returned his food for breakfast or supper especially, or has it been food from all his meals?—It is latterly food from all his meals.

3854. But he has never complained to you of the food having disagreed with him?—No, sir; his appetite has been very good until lately; he has returned very little.

3855. You have seen no reason to suppose, I presume, that the prison fare disagreed with him?—No; the reverse. He has had a very liberal diet all along. I put him at the time of his reception, when he was very much reduced, on low hospital diet, with 2 eggs, chop, potatoes, pudding, and half a pint of porridge; but was added to that, extra bread and porridge; and when Dr. Meyer visited him he told the doctor that he had not sufficient, and on Dr. Meyer's recommendation I added a little beef tea to what he had already.

3856. Have you yourself observed that his memory is impaired?—I think it is. When Dr. Meyer returned the second time he would not allow that he had ever seen him before, and Dr. Meyer cross-questioned him, and he still adhered to it.

3857. But with regard to ordinary occurrences have you observed that he has forgotten things that took place some time ago?—No, I have not observed it.

3858. (Chairman.) May I take it to be your opinion, Dr. Campbell, that you think Richard Burke unable to give any rational answers to questions put to him?—I think so, my lord.

3859. (Dr. Lyons.) You spoke a while ago of your having written a letter in reference to Richard Burke; to whom did you write that letter?—Either to Mr. Fagan or the chairman.

3860. Will you be good enough to produce that letter?—Yes. It is dated 21st December and addressed to Captain De Cane:—

"SIR,
"I HAVE the honour to report that treason-felony convict 3841, Richard Burke, aged 36 years, was received from Chatham Prison on the 10th instant. The medical report states he has been losing flesh for some time and that there was a decrease of 18 pounds on the 8th instant; that he had delusions about his medicine containing corrosive sublimate and that poison had been introduced into his food, and that his behaviour was otherwise eccentric. The report also stated that he had refused his food for some time, and was considered to be suffering from debility, the result of abstinence, there being no sign of organic disease. At the time of reception here this man was tolerably robust and well made. He seemed absent and strange in manner, had considerable hesitation in expressing himself when questioned about his ailments, and said that his memory has been affected some time; complained of an unpleasant sensation in the neck and

back part of the head; pupils act well; pulse of good strength; tongue a little foul. With the exception of a peculiar hesitancy and impairment of memory, and the idea that medicines would kill him, he appears free from delusions, and his mental faculties otherwise unaffected. Since reception he has taken regular outdoor exercise and the whole of his diet, which consists of hospital pudding diet with the addition of two eggs, chop and potatoes, porridge and milk, extra bread, a little butter, and half a pint of pector. When weighed on the 17th he had gained seven pounds, or at the rate of one pound per diem. I beg to add that though I think his health has undergone some improvement I am not prepared to state that his mental condition has improved during the short time he has been here."

3861. Will you be kind enough to put in a copy of that letter, and of any other letter also that there may be, bearing on the subject?—Yes; this is where I recommended that the opinion of another should be taken.

"Working Invalid Prison,

"San, December 28th, 1869
"In compliance with your request to be furnished with a further report on the case of treason-felony prisoner, No. 3841, Richard Burke, I beg to state that, since my last report of the 21st instant, he has been going on favourably as regards his bodily health, and that he continues to take all his food without any hesitation. His mental condition, however, remains unchanged, and, after close and careful observation, I can only arrive at the conclusion that his mind is considerably affected. He is generally quiet and tractable, says he is quite well and has nothing the matter with him; has still the same dull, confused look, and although he has not shown signs of delusions on any particular subject more than the refusal of medicine, as he says it would kill him, his ideas seem quite incoherent, and his memory much impaired. When visited by his sister yesterday there was no perceptible change in his behaviour. He appeared unable to hold a conversation, or even to express his wishes, and when the visit was over, his demeanour, as he left in charge of the officer, was that of an imbecile. As there appears to have been doubt respecting the genuineness of this man's symptoms, and the case being somewhat peculiar, I beg respectfully to suggest an examination by a physician who has made mental disorders his special study.

"I have the honour to be, sir,

"Your most obedient servant,

"JOHN CAMPBELL, M.D.

"W. Fagan, Esq., Director, &c."

3862. Would you be kind enough to put in copies of those two letters?—Yes.

3863. (Chairman.) It was in consequence of that Dr. Meyer saw him?—It was in consequence of that Dr. Meyer saw him.

The witness withdrew.

BRYAN DILLON, prisoner, examined.

3864. (Chairman.) Dillon, you may sit down. I should explain to you, as I have done to other treason-felony prisoners, that we are a Commission appointed by the Government to inquire into the treatment of treason-felony prisoners, and among others into yours. That gentleman is Mr. De Vere, that is Dr. Lyons, that is Mr. Brodick, that is Dr. Greenhow, and I am Lord Devere; and our business is to inquire into whether you have any grounds of complaint, and if so, to inquire into it, as regards either your diet, or the discipline observed, or the medical attendance, or the opportunities afforded to you for religious practices, or in short, if in any other way you have any complaint to make. What you may state will be taken down by a short-hand writer, and hereafter published; but you are making your statement quite privately and in the absence of any of the officials of the prison.

Whatever you may say will not in any way prejudice you in your future position or treatment. Have you any statements to make to us?—I will just shortly draw your attention to the contents of the first notice served on me. (Reads.) "Subjects upon which the Commissioners appointed to inquire into the treatment of treason-felony convicts will permit such prisoners to address them:—First, treatment, diet, discipline, or disregard of the conditions necessary for health; second, exceptional treatment, or subjection to any hardships beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude." When I read this, my lord, it struck me at once that the portion of the second paragraph was framed so that I could not give any evidence at all if you must adhere to that, because I have taken down a note of certain things that are "incidental to the

B. Dillon.

"condition of a prisoner undergoing a sentence of "penal servitude;" and if you were not to hear me on such subjects, I certainly should have no evidence to give at all. I have taken down a few of them here. I have been present at some—several of them, and I will just shortly read them for you.

3865. We can hear any evidence that you may have to give on the general treatment of prisoners, so far as you and others of your class have been or may be punished?—I may just remark that if that was allowed to stand, it would clear any inquiry of the prison officials. This clause of "subjection to any" hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude," would include such hardships as these have: "broken limbs, loss of the use of limbs, total loss of limbs, death by accident or design, 28 consecutive days' bread and water, and punishment cells, six months' penal class diet, in penal and punishment cells, and in addition, six months' leg irons and loaded with 24 lbs. weight of an iron chain, fastened to the legs and suspended from the loins, and so to be worn day and night, in summer and in winter, in the prison, or at labour." I have seen that frequently, men here in chains, some of whom are now in this prison. I draw attention to a man named Clarke, who suffered, I think, four months' punishment of this kind, and O'Reilly, another prisoner here.

3866. (Dr. Greenhow.) Were those treason-felony prisoners?—No, sir, they were not. These were some of the "conditions incidental to those suffering penal servitude."

3867. (Mr. Broadrick.) What is it that they suffered?—I think both had chest disease, very seriously; at least, Clarke had.

3868. What is it that they were subjected to?—Clarke got penal class diet and punishment.

3869. (Dr. Greenhow.) And Reilly?—And Reilly got the same, and both I think had chains, but I have seen Reilly myself with the chains. I understand that Clarke suffered only four months; that he was taken off by direction of Mr. Fegan.

3870. (Dr. Lyons.) Do you state Clarke had chains?—I think he had. It is very easily ascertained.

3871. Do you undertake to state it?—I know I have seen him in a parti-coloured dress, which carries the chains generally; "to have the hands manacled" "behind the back for 30 consecutive days; to be "flogged to death with a cat-o-nine tails, as in the "case of convict Wilkinson at Portland; to be com- "pelled to labour until your clothes were wet through "on your back; to continue to work in them until "they dried again on your back, and to have to sleep "in them if not perfectly dry when you left off "labour; to be confined in a cell through the roof of "which the water poured down on your head while "you slept in at night; to ignore disease until fully "developed; to neglect it when active; to be sent to "the cold, bleak, humid climate of Dartmoor in con- "sumption." There is a prisoner now in the hospital, by the name of Brennan, who, I understand, is treated for phthisis. He was sent to Dartmoor, and I understand has been sent back from it. He has been sent back.

3872. (Dr. Greenhow.) Is he a treason-felony prisoner?—No, sir. He has been sent back since and he told me that when he went first to Dartmoor the doctor there said he should never have been sent there. "To be taken out of bed in the last stage of "consumption; to be discharged to the prison from "the hospital, and punished with penal class diet in "punishment cell in the last stage of consumption, "and so die within two months after the infliction of "such punishment."

3873. (Dr. Lyons.) Who was that?—His name was Dunne. I recollect the case very well. He was a very bad case.

3874. Do you know his christian name?—I think the name was Thomas.

3875. (Dr. Greenhow.) Was he a treason-felony

prisoner?—No, sir. The man who was punished with him was also consumptive, but he is alive still.

3876. (Mr. Broadrick.) Dunne is dead?—Dunne is dead.

3877. (Dr. Lyons.) Do you know when he died?—He died upwards of 12 months ago. "To be driven "mad, as in the case of Martin Stanley Carey?" I saw him here mad, I saw him here mad; "Mr. Kenna, and Colonel Richard O'Sullivan Burke," three political prisoners; "to be driven to attempt suicide, as "Mr. Miley, political prisoner in Portland, was; "to commit suicide, as criminals have done to escape "from the hardships incidental to prison life." These are some of the things incidental to prison life. I presume, my lord, that you will take evidence.

3878. We are ready, as I have explained to you just now, to receive such evidence as you may wish to offer, either on points affecting your own treatment or on points affecting the treatment of prisoners generally, provided that treatment is such to which the treason-felony prisoners might have been or might be subjected?—This meets the case I think. (Replies.) "But if the "Commissioners are empowered to inquire into "treatment which evidences *per se* a disregard of "the conditions necessary for health, or calculated to "injure permanently the health of the treason-felony "prisoners, we are ready to lay before them a state- "ment which we have prepared, and which contains "an account of the treatment we have received in "British convict prisons, provided such conditions "are granted to us by the Commissioners as will "secure a truthful knowledge of the facts to the "public, and justice alike to our fathers and our- "selves."

3879. Does that mean that you are prepared to submit evidence on any of those points?—I am prepared to submit evidence of what I have suffered myself and undergone if you will publish the statement with your report, and admit the reporters of the press.

3880. No; we cannot admit the reporters of the press. Any statement that you make will be made here, privately in a room with us, and not in the hearing of any official of the prison. It will be subsequently published with any evidence that may be given upon it?—Will you publish my statement in *extenso*?

3881. Do you mean the one that you have read just now?—No.

3882. Certainly; if your statement relates to nothing else except your own treatment and the treatment to which you might be subjected, it will be published; but if it has reference to political matters in any way, that part of it will not be published?—There is nothing political in it.

3883. I cannot say what it relates to, not having seen it. Would you like to have it read?—No, I could not read it, unless it was granted to me that it would be published; because after the former Commission was here, they gave nothing at all of what I sent to them, and they did not allow my evidences in this room. I gave my statement partly to them, and they did not allow me to finish. They took up their hats and did not give me time. I put myself in a position and was obliged to stand on one leg, and my leg became swollen and inflamed, and I could hardly support myself except by leaning on the table. I reported myself sick after a short time, and the officer came back, and told me that the doctor had left, and that the governor of the prison would not allow me to go to bed.

3884. Where was that?—This happened in Pentonville; and this is one of the reasons why I ask for a full publication of my statement.

3885. (Dr. Greenhow.) Lord Devon distinctly stated that if your statement was merely a statement bearing on your treatment in prison, it would be published in full, and that the only parts that would not be published would be political opinions?—Oh, I have nothing in it about political opinions.

3886. All that you may experience under certain

B. Dalton,

29 June 1870.

B. Dukes.
22 June 1870.

circumstances, provided it be part of the treatment of prisoners generally, you would be allowed to state?—As far as I am capable of judging, I have framed this statement with that view. I have put nothing in the statement that ought not to go into an accurate and just view of the treatment that I have received.

3887. (*Chairman.*) That is a statement which you wish to lay before the Commissioners and on which you wish to examine witnesses?—Yes, this statement is. But why do you refuse to admit the press. May I ask that?

3888. I am not prepared to argue with you. We have simply decided not to do so?—Well, if the Government are afraid of publicity, we are not.

3889. We cannot go into that?—We court the most rigid investigation.

3890. The question we have to consider is the treatment of the prisoners?—They have already branded some of our fellow-prisoners. A dear friend of mine, they wanted to make O'Donovan Rossa appear a liar.

3891. We are ready to hear everything that bears on your treatment and the treatment of the other prisoners, but we cannot go into extraneous topics?—You won't admit the press then, in that case; but you will publish the statements in full. I furnished outside questions through the deputy governor of this prison. The very first day that I got the notice I furnished, within 10 minutes after I got this notice, I furnished them with a requisition for copies of memorials and extracts from the prison books. I understand that you have those documents before you already, because Captain Harris told me that you had them before you, and would give me no answer.

3892. What do you wish to be provided with?—One of them is a copy of a memorial I sent to the Secretary of State.

3893. (*Dr. Lyons.*) What was the date?—Last September.

3894. (*Chairman.*) Sent by you?—By me, sir. The other was a suppressed letter written immediately after that.

3895. A suppressed letter, to whom?—To my mother.

3896. (*Mr. De Vere.*) Both about the same date?—Yes, sir, written after.

3897. That you should have an opportunity of seeing that letter is, you consider, material?—It is, sir. It is material. What is very material to me is, I am now nearly five years in prison, and my health is not good, and my memory as to events is not so accurate as I would wish. I would not wish to pledge myself to exact dates of things, unless I had them in writing. They can refer at any time to their books, and we have no books or memoranda of any kind. We would be pained if they were found on us. I have merely asked them for copies of the dates of my applications for medical relief to the medical officers; copies of the dates on which I applied.

3898. With the results, I suppose?—No, I beg your pardon, sir. On some of those occasions they treated me in the prison; they did not take me into the hospital. I want to know the number of times that they treated me at the prison, the number of days. That is most essential to me. I find that it has become so. It was in the winter of 1865 and 1867. Then I want to know the dates of my admission into hospital and discharge therefrom, and what I was admitted for. I want also a copy of the report of Messrs. Knox and Pollock, as I was before them, and I understand that they refer to me in it. I also applied for the assistance of Mr. Butt. The deputy governor came in one day and asked me, did I require assistance. I stopped for awhile. I thought first it was to copy out or assist me in composition. I said, "No," first; but on consideration I asked him did it mean legal advice and assistance, and he said it possibly might mean that. Then I said that I should like to have the advice and assistance of Mr. Butt. I have written a letter to that effect.

3899. (*Dr. Lyons.*) You have written a letter?—Yes; I presume you have got it.

3900. To whom was it written?—Through Captain Harris. It was intended for you. I only look on him as the medium of transmitting my wishes to you.

3901. (*Mr. De Vere.*) Did you intend by that to express your wish to be allowed to employ Mr. Butt and fee Mr. Butt yourself, or did you mean that he should be employed and retained for you by the Commission?—I meant the latter.

3902. (*Chairman.*) That I am bound to tell you we cannot do. We have decided to give the fullest facility for my friend of the prisoner's or legal adviser to come and assist him in making his statement, but we shall not admit Mr. Butt to be present here representing the prisoner or assisting him before us?—In that case, then, I presume you have allowed my letter to Mr. Butt to go forward to him.

3903. We have never seen the letter?—The authorities are playing fast and loose with us.

3904. That letter has been sent on to Mr. Butt. When did it go to Captain Harris?—On Sunday he came in and told us this, and on Monday morning I gave him the letter.

3905. (*Mr. Bradrick.*) Did you give him a letter of your own separately, or one from yourself and your fellow-prisoners?—Separately.

3906. (*Dr. Lyons.*) To whom was that letter addressed?—To Isaac Butt, Esq.

3907. You gave that letter to Captain Harris on Monday?—On Monday morning. I told Mr. Butt in it, seeing that the time was pressing, and the letter would not reach him until Tuesday, to telegraph to the prison to let me know if I could have his services, and to write more fully by letter. I have seen no telegram and no letter.

3908. (*Mr. De Vere.*) The tenor of your letter implied, I suppose, that he was to be retained on the part of the Government?—No; I presumed that the Commissioners had already put themselves in communication with him. I gave him a copy of a letter, which explained it so.

3909. (*Mr. Bradrick.*) Did you ask him to come to you for the purpose of your consulting him, or that he should appear on your behalf?—I said to consult him and advise in the preparation of my statement, for that was the question put to us by Captain Harris.

3910. (*Dr. Lyons.*) Have you a copy of your letter to Mr. Butt?—I can get it from another; but I have been so unwell that I could not keep a copy of it. I had another one slightly different, but it was substantially the same as that put in by Mr. Malenby.

3911. (*Mr. De Vere.*) With respect to those documents and copies of reports that you have asked for, did you ask for them for the purpose of refreshing your memory as to the subject of complaints that you may have to bring before the Commission?—Partly as to that, and partly as to specifying the order in which I have put them down.

3912. (*Chairman.*) To assist you?—To assist me in framing all these. For instance, I am not certain whether in the winter of 1866 and 1867 a certain thing took place in summer or winter. I want to know if it took place in winter; but of the fact itself I am as positive as I could be of anything. I had no idea at the time that this Commission would ever turn up.

3913. Then have you anything further to state to us now, or would you wish to postpone any statement that you may make to us, until you have received each of those documents as we may get for you?—Certainly I should postpone the statement. I cannot hand you in this statement now until I get them. I wish to read another that I was just doing down.

3914. If you make a statement against a prison officer, that statement will be placed before that prison officer, and he will have an opportunity of giving an answer. We cannot assent to your examining the prison officers. Any question that you would suggest would be put by us to the prison officers, but we cannot admit an examination by the prisoners themselves.

selves?—Will the Commissioners guarantee if our statements be placed in the hands of the authorities or prison officials, or abstracts of them, in order that they might reply to them, that we will also be furnished with copies of their statements in reply, verbal or written; and will we be allowed to rebut such charges as the prison authorities may strive to contravert or deny?

3914. We cannot give you any promise on that point. You must trust to us to carry it out in the fairest way with regard to both parties?—We court the fullest publicity; the most rigid investigation; but I am afraid if you knew the prison officials as well as we do, you would find that the way you are proceeding is not exactly the best way to go about it. You do not know anything about prison life, or what the officers are capable of doing.

3915. (*Dr. Lysons*.) Do you know the privilege that you have of getting advice from any legal friend, or assistance from any other friends in the preparation of your statements?—They are to come here at their own expense, I understand.

3917. We have no authority to pay their expenses. Any one coming here on your part, either as legal adviser or friend, can have full access to see you?—The only condition you grant is that our statements will be published in full with the report. That is the only condition you grant.

3918. (*Chairman*.) So far as they bear on your case. Perhaps I have already read to you, or you may have already seen the conditions which define the facilities which will be afforded to the prisoners:—“The prisoners will have full opportunity for making ‘an oral statement to the Commissioners as regards their treatment; such statement to be made in a ‘private room in the absence of any prison officer, and ‘after a distinct intimation from the Commissioners, ‘to which they will give full effect, that no statement ‘so made will in any way affect the prisoner’s ‘future position and treatment.’”—How can you guarantee that? because I find that the few statements I did make before Pollock and Knox affected my treatment.

The witness withdrew.

Captain HARRIS recalled.

3924. (*Chairman*.) The prisoners who have been before us have each severally made application for certain copies of documents and papers which we will go through *seriatim*, so as to ascertain from you how far they can be obtained. They apply for them thinking them material for the preparation of statements that they have to make. In the first place, Thomas Donker applied for a statement made on August 10th 1869, or thereabouts, to the Secretary of State, and for a copy of another made to the directors about the 10th November 1868, and for a third document to the directors on the 21st April 1869. Denis Malenky applied for several documents. He applied first for a statement forwarded by him to the directors in October 1867, and the reply thereto; secondly a memorial forwarded to the Secretary of State about July or August 1869, with the reply, and a copy of the medical certificate which accompanied the memorial from Dr. Campbell; a statement to the directors made in January or February 1870, and the reply, if any; the medical notes of Dr. Gover as regards his case, where are they?—In Millbank, my lord.

3925. The same by the medical officer of Portland prison as regards his case; the same from Dartmoor in 1867, and a second report in May 1867. Malenky also asked for copies of the medical reports, and copies of his suppressed letters. I told him that he should have copies of those parts of those letters which appeared to be material in any way about his treatment, but that if they contained anything which bore on politics, or expressions which seemed improper, he should not have those copied. You can produce the letters to us, and at the same time give copies of those parts which bear on his case?—Yes.

3926. (*Mr. De Fere*.) All the suppressed letters

3919. That is a point that you will have an opportunity of proving. “They will further have full ‘opportunity for making written statements, and for ‘offering such oral explanations as they may desire. ‘Writing materials will be provided for them, and ‘three days’ intermission for labour allowed if ‘wished. The Commissioners will be prepared to ‘receive any statement in writing from any friend ‘of the prisoner or any person acting on his behalf, ‘and to take the oral evidence of any witness, including, if desired, any released prisoner, which may ‘appear relevant to the general treatment of treason-felony convicts. The Commissioners have recommended to the Secretary of State, that access to ‘any prisoner at a reasonable hour and for a reasonable time, for the purpose of assisting them in the ‘preparation of their statements should be allowed ‘to friends of such prisoners, under such regulations ‘and conditions as the Government may think ‘necessary. Application in such case should be ‘made to the Home Office. The evidence will be ‘taken down by a shorthand writer. The report ‘and evidence will be made public.’”—The report and statements?

3920. Your statement will be taken as evidence, you know, as coming under the head of evidence?—Will we be allowed to communicate with our friends?

3921. Yes; if you wish to communicate with your friends with the view of securing such assistance as we have told you, proper facilities can be afforded to you in that behalf. In all probability if you name a friend that you wish to write to the privilege will be given to you?—On looking over the statements again, I see Mr. O’Keefe, and Mr. Kiekhun, and Mr. Barry, three released prisoners, I will see whether it is necessary that I should communicate with them.

3922. Then, on the whole, you wish your examination to be postponed?—Yes, if they were present I could go on with it. Will we get a copy of that statement that you have now ready for us?

3923. You shall have it.

see in your hands?—As far as I am aware they are. There are some that I know are not here. Some I know are in Parliament Street, and would have to be got from there.

3927. The same principle might be applied to them; to lay the suppressed letters before the Commission, and give copies of the extracts to the prisoner?—I shall apply for them immediately.

3928. (*Chairman*.) Then he wants copies of all the reports in the prison books against him?—That was placed on the table at the last visit of the Commission. A copy shall be furnished to the prisoner.

3929. A copy of each of the entries as recorded in the prison books?—We can get that from the books.

3930. Copy of his caption sheet?—That is a private document, which it would not be advisable the prisoner should see.

3931. Dillon asked for a copy of his memorial to the Secretary of State, in September 1869; he asked for a copy of a suppressed letter to his mother about the same date; he asked for copies of applications, with the dates, made to the medical officers by him with the results. Where would that be had?—The medical officer’s “Complaining Sick Book” would show any applications made for casual treatment.

3932. (*Mr. Brodribk*.) A return of the number of times when he was treated by the medical officer without being sent to hospital, as well as of his admissions to the hospital.

3933. (*Chairman*.) Do you see any difficulty in meeting those requests?—No, I do not. It is merely a question of time.

3934. Will you put them into hands immediately?—I will, my lord.

B. Dillon.

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Capt. Harris.
29 June 1870.

3935. Have any telegrams or letters been received from Mr. Butt or any of the friends of the prisoner to-day?—None; no documents of any sort except a letter from Mrs. Leahy, which I mentioned before.

3936. (Dr. Lyons.) Will you be kind enough to put in a certificate after you have examined the books carefully, respecting Richard Burke, from the date of his admission into this prison to the date of his transmission to Millbank, and also from his arrival again in this prison, the 1st of May 1870 to the present time, day by day, certifying that you have examined the books, and that he was present here every day during that period.

The witness retired.

The Commission adjourned at half-past 6 p.m.

Woking, Thursday, 30th June 1870.

The Commission resumed at half-past 11 o'clock a.m.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE E. BRODRICK.
S. E. DE VEE, Esq.

DR. LYONS.
DR. GUKENBROW.

W. SPENCER OLLIVANT, Esq., *Secretary*.

Captain HARRIS recalled.

Capt. Harris.
30 June 1870.

3941. (Chairman.) Have you any communication, Captain Harris, to make to the Commission?—Yes, my lord; since the sitting of the Commission yesterday, Thomas Burke has sent in a corrected list of the documents which he wishes to obtain.

3942. Is there any addition in that to the list of the documents he formerly specified?—There is. He has added one, a statement to the directors, on the 21st of April 1868.

3943. Then will you put that on the list?—I will.

3944. Will you be able to take to-day the necessary steps for procuring the documents that have been asked for?—I shall apply for them to-day.

3945. Do you see any objection to the suppressed letters being given?—The only objection I see is, that the prisoners, being in association, might combine to present the same view of any one point they might wish to carry.

3946. You apprehend that A B would tell C D that he wrote so-and-so?—They would quote passages which had been disallowed, and they would reproduce them in their statements. That is the only objection that strikes me. With regard to those suppressed letters, when they are produced, are they to be produced to the Commission, or handed to the prisoners in the first instance?

3947. The Commission is of opinion that we see no objection to their being handed back to the prisoners. Of course they cannot be sent out to others without passing under your notice?—Would you allow me to add that Rosewell has also sent in a list of the documents that he requires.

3948. Will you state to the Commission what those documents are?—A statement to the board of directors; number and dates of the letters written in Portland and Woking prisons; the suppressed letters written in other prisons, and why suppressed; caption sheet; copies of reports of punishments in Portland and Woking; medical notes of the doctors in Pentonville, Portland, and Woking prisons; dates of admission to and discharge from the infirmary in this prison, by whom admitted, and by whom discharged.

3949. No objection to give those?—Except the caption sheet, my lord. Dr. Campbell wishes to ask a question of the Commission with regard to the medical history that he was to furnish. Medical case sheets in this prison were asked for by Mahony, as applied to himself. Dr. Campbell wishes to ask a question of the Commission on that point.

3950. You will take care that as each paper comes

3937. Will you also ascertain who had him in custody on the day of his going from this prison to Millbank?—I know who that was; Mr. Morris had him the whole time.

3938. Who took him to Millbank?—I took him myself to Millbank.

3939. You had him in charge from this to Millbank?—I had.

3940. Put that in the certificate also. Do you know who brought him from Millbank here?—The deputy governor had him in charge.

to hand that may be asked for by any particular prisoner, it is brought under our view. The bulk of there is in hand?—Yes; of course the whole of these I have referred to-day to the chairman of the board of Directors for his sanction in the first place, that being the usual course; but I do not imagine that there will be any objection.

3951. Have you written that letter yet?—No, I have not.

3952. Perhaps you would say that the Commission wishes to express their opinion that it is most important that the permission should be granted?—I will do so.

3953. And at as early a period as possible, inasmuch as they propose to hold their adjourned meeting here on Wednesday next?—Yes.

3954. There was another point which was raised by some of the prisoners yesterday, which was this: after we had read to them a statement that the friends of the prisoners would be allowed to assist them, they raised the question, how would they be allowed to communicate with those friends? The rules of the prison state certain intervals, in which letters are to be written. What we should like would be, that if a letter is written *bona fide* for the purpose of asking a friend to assist them, and is in accordance with the notice we have given, that the rules of the prison should be so far relaxed as that they may be enabled to write now for that purpose?—There will be no difficulty in that, my lord, but subject to inspection. They asked me this morning whether they would be allowed to communicate freely with their friends, under cover. That I said I could not allow.

3955. That is without its being seen by you?—Without its being seen by me.

3956. I should say you will feel justified in allowing a letter to pass if it is to our purpose, even though the ordinary rules of the prison would not allow it?—Oh, yes, if this course is sanctioned by the Board of Directors.

3957. (Mr. De Vere.) If you find that there are other matters put in which would make it improper that the letter should be transmitted, I think you should inform the prisoner of that, and give him an opportunity of writing a letter confining it strictly to the purpose?—Just so; and in the event of any persons presenting themselves during the sitting of the Commission, and requesting an interview with any of the prisoners, I wish to know, my lord, whether it is

desired that I should give permission to the friends of prisoners to have private interviews with the prisoners after the statements are given in and before their final examination.

The witness withdrew.

Dr. CAMPBELL recalled.

3959. (*Chairman.*) Do you wish, Dr. Campbell, to ask a question of the Commission?—Yes, my lord. Denis Mulcahy applied to have his medical case sheets in this prison. Do you wish me to supply him with all my private notes for the last three years and a half. They are all here, and just in a rough state. I make no alteration in them. But there are remarks here and there which the Commissioners, I think, would hardly desire to publish.

3960. (*Mr. Bradrick.*) Are those remarks part and parcel of the case sheets?—These are remarks I made day by day.

3961. Do you consider them part and parcel of the case sheets?—(No answer.)

3962. What is a "case sheet," actually. Please to explain that?—This is a history of the case, my lord. I do not know whether you wished the medical history of the man, giving the different times admitted into hospital and discharged from it, or to have all these remarks copied out for his information in addition.

3963. (*Dr. Lyons.*) What does he ask for?—Medical case sheets in this prison.

3964. (*Mr. Bradrick.*) Bryan Dillon asks for "extracts from the medical officer's note."—To furnish Mulcahy or any other man with all my private notes, I thought was not perhaps the intention of the Commission.

3965. (*Mr. De Vere.*) Are those private memoranda or are they official documents?—Oh, those are private for my own guidance. Just a record of the different cases I treat in the hospital.

3966. (*Dr. Greenham.*) Then they are not official documents?—If the directors called for a history of this man's case, I should compile it from those notes.

3967. (*Mr. Bradrick.*) You do not consider those notes in their rough form to be accessible to the governor or director?—I have never been asked for them.

3968. (*Dr. Lyons.*) Whose property are they?—My property, as medical officer.

3969. If you left this institution to-morrow, what would become of them?—Then my successor would have those to refer to.

3970. You would not have them to take away?—No.

3971. They are public property?—Yes.

3972. What objection have you to allow him to see them?—He is a medical man. I consider it unusual to give the patient notes of his case.

3973. What difficulty or unpleasantness do you expect from that? So far as the note you have read is concerned, I cannot see that it shows anything

The witness withdrew.

Captain HARRIS recalled.

3983. (*Chairman.*) Captain Harris, have you seen the treason-felony convict, Murphy?—I have, my lord.

3984. Will you state what Murphy said to you?—He refused at first to attend the Commission, as he has done frequently before.

3985. What did you say to him?—The exact words?

The witness withdrew.

3986. (*Chairman.*) I think I am justified in saying that the Commission are of opinion that it is desirable it should extend up to the whole period of their final examination?—Just so, my lord.

Capt. Harris.

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Dr. Campbell.

against you. On the contrary, I think it is creditable to you, and exhibits care and attention?—(No answer.)

3974. (*Chairman.*) Would it create any personal irritation, or personal bad feeling?—I think it would. He has shown a bad feeling, not to me personally; but when he sent statements to the directors in petitions, he has alluded to me sometimes not in a very complimentary way, although I am not aware of having given him cause. He has shown bad feeling in that way.

3975. What he ought to have and what we want, is just that which would show the admissions and discharges, and the medical treatment to which he was subjected, consisting any incidental remarks that you may have made honing on his manner; or anything of that sort. Those I should say should not be given?—Very well, my lord.

3976. (*Dr. Lyons.*) These are public documents. They are documents such as would be produced in the House of Commons, if called for. They are not the personal property of Dr. Campbell?

3977. (*Chairman.*) Are there any particulars given in those case sheets other than in the case of an ordinary hospital would appear on the record put at the head of the bed?—These are not put at the head of a bed, my lord; these are kept in a portfolio.

3978. Are the particulars that are stated there different from those stated in a medical history?—Just the usual notes I make in cases.

3979. (*Dr. Greenham.*) If the prisoner was sent from this to another prison, would those notes go with him as his medical history?—No.

3980. Do you know whether it is used for other medical officers to keep such notes as these?—It is used in the service.

3981. We have got the medical history of all the cases that we have examined, and we have got to such notes as these, and we have been told that there are no such notes kept?—They are, to a great extent, private notes. This being an invalid prison, I am more particular.

The witness withdrew, and after the Commission had deliberated, was recalled.

3982. (*Chairman.*) The Commission has given careful consideration to your question, Dr. Campbell, and I am instructed to convey to you that this is their view: our wish is that you should supply to Mulcahy a statement, showing in full the dates of his admission into and discharge from hospital, with a detailed account of the medical treatment which he has received, whether in hospital or out of it. On complying with the terms of this resolution, you will be considered to have complied with the requisition for case sheets?—Thank you, my lord.

The witness withdrew.

3986. Yes, if you please; if you can give them?—I hardly remember the exact words.

3987. Did you say that we were sitting?—Yes; I said, "The Commissioners are now sitting, Murphy; do you wish to appear before them?" He refused at first, as he has done frequently before, but I urged him to come if he thought it necessary to say anything. He said, "I have nothing to say, but I will go if you like," or something to that effect. I have sent for him and he will be here immediately.

Capt. Harris.

J. Murphy.

JOHN MOUNTJOY, prisoner, examined.

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2895. (Chairman.) The gentlemen that you see sitting here are a Commission appointed by the Government to inquire into any complaints that may be made by yourself or by other prisoners of the same class, as regards their treatment in this or any other English prison in which they have been confined. It consists of Mr. De Vere, Dr. Lyons, Dr. Greenlow, Mr. Brodriek and myself, Lord Devon. Now you can make any statement that you like to me. It will be taken down by a shorthand writer, and any evidence that you may give will hereafter be made public?—Yes, sir.

2896. We are appointed by the Government, but of course we are quite independent of the Government?—Yes, sir.

2897. And nothing that you may say here will in any way be brought up against you on any future occasion, or will in any way prejudice your position in any respect?—I will say nothing, sir, but what has happened.

2898. We are prepared to hear what you wish to say?—The deputy governor this time, sir, sent me some paper, and I said, I'll write nothing this time; the reason is this: there were two Commissioners here before, Messrs. Pollock and Knox; this is the very room they sent for me; so when I came in, 'twould take me an hour the least, I could say, to state my grievances. I didn't see the gentlemen sit down to take a note of anything. One of them stood with his back up here against the fireplace; another stood here, and I waited here. He asked me, when I commenced to state how I was treated, he interrupted me and he asked me what my name was. I told him. Then I commenced again, then he stopped me again, and asked me my age. I told him. I commenced again. He stopped me and asked me "What's your trade or calling?" I told him. "That'll do," he says. 'Twas all done in five minutes. Never took a note of anything. So I reported the doctor here, Mr. Campbell here, when I was sent to hospital and brought back worse; so, "That'll do," says he, and I was sent away; so that was the reason I wouldn't have any part to do with this Commission. I said 'twas possible I'd be treated the same way. The gentlemen said there was "no grounds." He didn't give me justice.

2899. This is a new Commission and we wish to know have you anything to say to us?—Well, sir, the strict and severe treatment in Mountjoy and Pentonville is hard to suffer.

2900. You had better tell us in detail what you complain of, with the dates?—I forgot, sir. My recollection, and my sight, and my memory are very much impaired. I have been in prison now five years and seven months, since the 13th November 1864.

2901. (Dr. Lyons.) Tell us as nearly as you can remember the dates that you complain of?—Well, sir, in Mountjoy, I was treated worse there than in any of the remainder, and likewise in Pentonville, so far as this: I had at night to strip, and to put out all the clothes, and take them in in the morning. They wouldn't do this here and in other prisons. Every 12 or 15 minutes they'd come and slap the door, and put a lantern over my face, so that I could get no sleep. They didn't do this at other prisons. I told the priest, Mr. Cady, I could get no sleep. They didn't use some that way when I came there first, when I was convicted in Mullingar, in the county of Westmeath. Up to the time the arrests were made in Dublin in September, from that out they persecuted me in every way they could, but previously they didn't; they treated me the same as in other prisons.

2902. (Mr. Brodriek.) When did the change take place in your treatment?—In September 1865, sir. I came there the latter part of July, to Mountjoy. Well, I was treated as any ordinary prisoner; I was allowed my class, and they persecuted me there, and put me on bread and water on account of religion, for I told them I didn't believe in any of them, for

they didn't persecute as they preach. And they put me on bread and water until the doctor, Dr. Macdonnell, took me off of it.

2903. (Dr. Lyons.) What was done to you on account of religion?—The governor, I forget his name now, the governor of Mountjoy, in Dublin in 1865, he asked me what religion I was.

2904. (Chairman.) I think it is right that I should tell you we have no power to inquire into anything that you say took place at Mountjoy. We have full power to inquire into any English prisons?—Oh, you have nothing to do with Mountjoy.

2905. No?—Well, in Pentonville, sir, the officer used to come there some time in December 1865, the latter part of December 1865, somewhere about Christmas; I forget the exact date, sir; two or three days before Christmas day, I think, it was. Well, sir, the following week, during January and December it was very cold weather with snow on the ground, they used make me strip in the cell, asked as I was born. Sometimes two or three of them would come and laugh and sneer at me, and I asked them for pity's sake to allow me to keep on my shirt itself; no, I had to take all off, and they kept me standing there, and hurt my feelings as far as ever they could.

2906. Who were the persons that did that?—I don't know their names now, sir, the officers.

2907. How many of them?—Sometimes two of them, sometimes three of them. I don't know what their names were.

2908. But you say that two or three of the officers were present at the time you were stripped, and that they jeered and laughed at you?—Yes, sir; they ordered me to strip. I first thought when the priest came to me and went out, I thought I was treated this way because he might convey something to me; and I said to myself, I'd sooner not have him come at all, if that was to be the way of it; but I found out afterwards they used to do it repeatedly every week when he wouldn't come at all. They used not to do this to the other prisoners at all.

2909. Do I understand that they took off all your clothes?—Yes, sir; asked, asked, nothing on me; my clothes all thrown off, my jacket, drawers, trousers, shirt.

2910. At what time of the day or night was it?—In the daytime, sir; in January and December.

2911. In what time of the day?—As well as I can recollect, somewhere about midday.

2912. (Mr. Brodriek.) Did that happen to you more than once?—Oh yes, sir, repeatedly. I thought first 'twas on account of the priest coming to me, and I said to myself, I'd rather go without any priest, but after that 'twas done repeatedly when the priest didn't come at all.

2913. (Dr. Lyons.) How often?—I can't say how often; 'twas done repeatedly in January and December.

2914. (Mr. De Vere.) Was it done once a week, or fortnight, or month?—Some weeks once a week, sir, and some weeks twice a week, as well as I can recollect. I can't exactly recollect; I didn't know it was done to the others.

2915. (Chairman.) Can you tell us if the same course was taken with the other convicts?—Not with the criminals, sir; for I asked some of the ordinary prisoners that came here from Pentonville. There were carpenters and bricklayers come from there, and we were working together, and I asked them, were they treated so, and they said they never were. I didn't know that the other political prisoners were until I see them since. I was working with them in the new prison here.

2916. You believe from what was told you by those prisoners who were working at the new prison here, not being treason-factory prisoners?—Yes, sir, ordinary prisoners.

2917-11. That they were not subjected to the same treatment?—No, sir they were not. I often heard some of them say, they sympathised with us, when

they see us coming in, and see us open the boxes and everything, and they wouldn't do it to them at all. Then at night I'd have to put out everything but the bed, clothes, towels, spoon, wooden plates, and salt cup, and everything in the cell, to be put out on a table.

4012. Had you, when you were first told to put out your clothes at night, made any attempt at escape, or broken the prison regulations in any way?—No, I never broke the prison regulations, sir; I never was reported since I have been in prison but once, and that was by a political prisoner that is here for the same as myself, a man that I helped in his poverty outside, and he insulted me here, and I said you wouldn't tell me that outside or I'd soon stop you; so he reported me to the governor, and got me three days bread and water, and 100 marks. That was the only time I ever broke the prison rules. I never was punished but that once, and never reported by anyone but him, and he a political prisoner, the same as myself.

4013. Have you anything further to state? Is there anything in your treatment at Pentonville, or anywhere else, that you wish to mention to the Commission?—There are a good many things that I forget altogether; 'tis many years since. There's one thing, gentlemen, I'd like to acquaint ye with, if ye could do anything for me in that way. Five years and five months for a convict is the time to serve out of the seven years. There's one year and seven months remission out of the seven years allowed. Now, sir, I'm over five years and seven months in prison. I'm in prison since the 18th November 1864. Well, sir, I was tried in March 1865, the 7th March 1865, in Mullingar; those soldiers swore against me; and some, they were proved perjurers, and the jury disagreed.

4014. I am sorry to stop you, but I do not think we can go into anything that happened at your trial or conviction. What we have to inquire into, is your treatment in prison?—I thought perhaps I might be allowed that four months, sir; that I might be allowed from the first assize, as I was tried at the second assize.

4015. (*Mr. Brodribb*.) What we want to ascertain is, whether your term of imprisonment has been prolonged unwarrantably.—Well, I think the other prisoners have been allowed the same, from the time of the assizes they were tried; they were allowed from that time and I have not; I have been put back from this assize to another assize, four months longer, sir.

4016. You were tried twice, as I understand you to say?—I was tried at two assizes, sir.

4017. (*Dr. Lyster*.) What was the date of your first being put into prison?—The 18th November 1864, sir.

4018. (*Mr. Brodribb*.) How many months before being tried were you in prison?—I was tried the 7th March 1865 following, sir; then the jury disagreed, and I was put back and tried again the 17th July 1865.

4019. (*Mr. De Vere*.) What you want, as I understand it, that your period of imprisonment should date from the time of your first trial?—Yes, sir. I'm in prison since the 18th November 1864, and my first trial was the 7th March 1865, and the second trial was the 17th July 1865; then I was convicted and sentenced, by the same men that were against me, soldiers; although there was perjury proved against them, still they were the same.

4020. (*Chairman*.) I will ask you a few questions on one or two points of detail. Have you ever been in the hospital here?—In this place; yes, sir, I have.

4021. Have you anything to complain of as regards the medical treatment that you have received?—When I first came here I was very lame and I asked the doctor for a stick, and he refused me.

4022. He refused to allow you a stick?—Yes, sir. I was very lame when I came here from Pentonville. There was some kind of a corrodion floor, and I was very lame. I asked the doctor for a stick and he refused me. Then another time, I was taken very

bad; my face was all swelled, and Dr. Wilson took me into hospital on the sick list. Dr. Campbell wasn't here that day; so he gave me some medicine that operated very freely on me, and I was in that very bad; worse next day, very weak; so I forget whether 'twas the next day after that or the second day, Tuesday, Dr. Campbell saw me and sent me down. I said I felt worse after the operation of the medicine being so powerful. I was a great deal weaker going down, but the swelling was gone from my face; so I came down and told the doctor "I'm not well." He said, "Go down!" so I went down.

4023. (*Mr. De Vere*.) What do you mean by going down?—Left the hospital, sir. Then after that the cheese was very bad, and I couldn't eat it; so one Sunday I brought the cheese back. This was previous to the other two Commissioners coming here. I returned the cheese, and said I couldn't eat it; so 'twas kept, and I reported this, sir, to the other two Commissioners. That was all the reports they gave me the chance of making, when Dr. Campbell brought in the cheese then, and he said, "You are the man that found fault with this cheese?" "Yes," said I. I returned cheese several times since that, so I had to take bread and water for my dinner on Sunday. They gave nothing in exchange.

4024. (*Chairman*.) The cheese was produced before those two gentlemen?—Yes, sir.

4025. Did they not taste it?—Yes, sir, they did; they asked me to taste it, but I couldn't taste it. What's meant for one is poison to another, sir.

4026. Have you complained with regard to other food?—Oh, yes, sir; the skin-of-beef soup I never eat, nor the pudding, sir. I used to do it when I first came, but it made me sick more than anything; I had to knock off; I thought it better to suffer hunger than to eat it and be sick, and so I used to return it. Lately they allow the hospital dinner in place of it on Tuesdays, Thursdays, and Fridays; they changed all that.

4027. What have you for hospital dinner?—On Tuesday, sir, I don't know what the complement is, or the quantity either; I don't know what weight it is, but I think 'tis five or six ounces; but on Tuesday I know, for dinner, instead of the skin-of-beef soup they give us now beef and greens, and the same on Friday, sir; and on Thursday, mutton and a little soup.

4028. Have you ever had your food weighed at your request?—No, sir. I came down once here to this kitchen; my dinner was all here; that was the only time I ever asked to have it weighed. I came down to return it. When I took it in they kept pawing it, and from what I seen I rather make no repeat over again.

4029. (*Dr. Lyster*.) Why?—From the way they were pawing it, sir. In fact, what they gave me in place of it was worse than what I brought back.

4030. What did they give you in place of it?—Some cold scraps that were left there that I couldn't eat.

4031. (*Chairman*.) When was that?—I couldn't say exactly, sir, but about two years since it happened. I never came there any more, nor I wouldn't; I'd rather go without it.

4032. (*Dr. Greenhow*.) Have you sufficient food?—Well, sometimes, sir, I could use more, especially in winter time. In the cold weather I could eat more if I had it.

4033. (*Chairman*.) How are you employed?—At the pump, sir, now, but when I was first here I was 20 months picking osiers at one end of a shed; then I was working at carpentry in this new prison, and here in the yard. But this last 10 or 11 months I have been at the pumps out in the yard, sir.

4034. Have you anything to say as to the mode in which you have been treated in any other respect?—There was one officer here, Mr. Roberts; he is sent to Chatham since. I reported him four times successively to this governor here, and still he continued the same.

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4035. (Mr. Brodick.) Was he a warder?—Yes, sir, assistant warder. He was sent to Chatham since.

4036. (Chairman.) He is now at Chatham?—Yes, sir.

4037. What have you to complain of respecting him?—He gave me a great deal of annoyance, and four times I reported him. He used to come and open the cell at night, and slip the door, and wouldn't let me sleep; he used to unlock the door and open the door, and hold the lamp, and wake me up, so that I couldn't sleep, and I had to work hard the next day at carpentry work; so I reported him to the governor, and I thought the governor would stop it, so he said he would see to it.

4038. (Mr. De Vere.) What was the name of the governor then?—Mr. Branley, the present governor. Then I said, "I was no use reporting to the governor, I'll have to report to the director;" so it was stopped after that.

4039. (Dr. Lysons.) Did you report to the director?—No, sir, I didn't; but then he stopped after I said that.

4040. (Mr. De Vere.) To whom did you say it?—I said it to some of the warders. If the governor, I suppose, wanted to stop it, he would stop it at once. He allowed the man to do it four times. I threatened to tell the director, and then he stopped it. He would open the cell door at 1 o'clock at night, between 1 and 2, and wake me up, and tell me I should keep my head up from under the clothes. Now there was a gas lighting over the door, and I used to keep the clothes up to throw the light away from my eyes. My sight is very weak since, I have been in prison so long. He used to say, I had my head under the clothes, but I used not, and he said he came to see that I was in the cell. If he was to leave a suit of clothes there for me, my own clothes, and the door open and the gates open, I wouldn't run, because I never dare anything that I am afraid or ashamed of, I never ran nor I never will run.

4041. What prison was this in?—In this prison, in B. ward.

4042. How long ago?—I can't exactly say, sir. I suppose the prison books will tell. But I see the governor was trifling with him, for certainly if he had respect any for the governor's authority, he wouldn't respect it the second time; and if the governor was inclined to prevent it, I should think that once ought to be enough to speak of it. As last I said, "I won't report any more to this governor, I'll report to the director," and then 'twas stopped.

4043. (Chairman.) Have you ever made a report of anything to the director?—Yes, sir, I made a report of one of these officers that was here, sir.

4044. (Mr. De Vere.) Not Roberts?—No, sir; I forget his name.

4045. (Chairman.) Have you any complaint to make as to the facilities that have been given to you to see the priest?—No, sir; I have nothing at all to say about that.

4046. Is there any other statement that you wish to make to us?—In fact, I rather feel inclined to forget all I suffered then to remember it.

4047. (Dr. Greenock.) You were speaking about your treatment in Mountjoy prison. Were you better treated there than you have been here or at Pentonville?—Well, sir, I was not.

4048. Were you worse treated at Mountjoy than at Pentonville?—I felt it worse in the beginning, because the opening and shutting of the trap door of the cell every night left me no sleep, and I had the very same as that done in Pentonville, but they didn't strip me there, except twice. They stripped me twice in Mountjoy; that is when I first came there.

4049. Was your food so good in Mountjoy as in Pentonville?—'Twas different altogether; 'twas n't the same kind at all. I preferred the food in Pentonville to the food in Mountjoy. The food in Mountjoy was what they called "porridge," oatmeal boiled thick, in the morning for breakfast with milk; and a pound of bread, and a pint of milk for dinner; and I

forget how much bread, and a half pint of milk for supper; with the exception of Thursday and Sunday, they give beef on Thursday and Sunday in Mountjoy, that was all.

4050. Did you consider being sent from Mountjoy to Pentonville a hardship?—Well, yes, sir, because I was told that if I had remained in Ireland, all the prisoners that remained in Ireland the last 18 months they're allowed to wear their own clothes, and a great many privileges; they're not in close confinement as I am here. They are sent to Spike Island after eight months in Mountjoy. Then mechanics are sent to a place in Dublin, from Smithfield, and labourers to a place called Lusk; and I am told a man can walk and go wherever he liked on Sunday; he has to be in to his regular meals, and at night, the same as soldiers, but he is allowed to wear his own clothes and to walk about, and not be in close confinement as I am here. That is a great privilege to be deprived of.

4051. I asked you whether you found it a great hardship when it occurred, to be brought from Mountjoy to Pentonville?—Well, certainly I did, sir.

4052. Why so?—Well, I'd rather stay in Ireland, sir.

4053. (Mr. Brodick.) Why would you rather stay in Ireland?—'Twould be a great privilege to me the last 18 months to walk about where I liked; but if I attempted to leave or to go away, and I was arrested, and put in close confinement, of course that would be only right, sir.

4054. When you reported Roberts to Governor Bramley, what happened? Did he hear your complaint?—Yes, he heard my complaint, sir; but he repeated it the very next night.

4055. Did the governor call Roberts before him?—Not when I was there, sir, he didn't.

4056. Did the governor tell you that he would stop it?—He told me the last time, the fourth time, that he would come there every night at 5 o'clock and to have me answer.

4057. The governor said that?—Yes, sir. That was in winter time. After 8 o'clock, he said, that he shouldn't annoy me any more. Why didn't he stop it at once, the first time?

4058. Did he promise you the first time that he would stop it?—He said he would see to it, sir. I can't exactly recollect the words, but 'twas something to that effect. I know I had to report him four times, and that the last time I threatened to report him to the director.

4059. Is that the only occasion on which you had to make a complaint of an officer to the governor?—Have you ever had to complain of any other officer in this prison? You mentioned Roberts and an officer whose name you could not remember?—No, sir. I never reported an officer to the governor after that. I said, if I had any reports to make I would report to the director.

4060. Have you any complaint to make to us of ill-usage received from any of the officers of this prison?—Well, he used to make me do extra things; cleaning up, and severer than other prisoners. Now he used to make me clean the water-closets, and that I was not entitled to do.

4061. Is that Roberts?—Yes, sir.

4062. You mean other water-closets besides your own?—Yes, sir; one was left up there. I had the same as every one else to scrub out the sinks and water-closets, and clean them out.

4063. (Dr. Greenock.) Do the prisoners do that sort of work in turn?—Yes, sir; but now there's one to do it altogether; one does it altogether every morning and night.

4064. But when you had to do it you merely took your turn with others?—Yes, sir; with others.

4065. (Mr. Brodick.) Have you ever petitioned the Home Secretary?—No, sir; I never petitioned, nor never wrote, nor never asked since I have been in prison. I never wrote a letter, or took a pen in my hand these five years and six months.

4066. Have you not written to your friends?—No, sir.

4067. (Mr. De Vere.) Nor heard from them?—I have had three letters here since, but I never answered or wrote since I have been in prison.

4068. (Mr. Brodick.) Have you anything to complain of about letters?—No, sir; I was entitled to write, but didn't. The first year I was entitled to write two, and the second year, three, and since the time of the first class, four, but I never wrote.

4069. Have you ever received visits from your friends?—No, sir. Nor never asked for visits. I never asked for any privileges. The only thing I ever asked for was, my own spectacles. The spectacles that I had when I first came here used to make my eyes sore, and I found my sight getting very bad, so I asked the governor to have my own spectacles, and he let me have them, and took them away again. There was some man here that had spectacles, and it seems he sold them, so on that account he took mine away, and wouldn't give them to me until I applied to the director, and he gave them.

4070. (Chairman.) Those are your own that you have now?—Yes, sir, but the governor wouldn't let me have them without applying to the director for them.

4071. (Mr. Brodick.) Was that the only occasion on which you saw a director?—Either twice or three times, sir. I can't exactly say.

4072. Can you remember applying to the director on any other matter? I recollect putting down my name to see him for something, but I was sent for by the chief, and he asked what I wanted to see the director for. I told him, and he says "You can't see him."

4073. (Dr. Lyons.) Who is the chief?—He is gone away from this since. His name is Williams.

4074. What do you mean by the chief?—The chief warden, sir.

4075. (Mr. Brodick.) Do I understand you to say that the chief warden refused to take your name when you wanted to put it down to see the director?—Yes, sir; he said I couldn't see the director for that. I put it down after to see the director for something else, and there was the principal here, the name of Mr. Staines; he is sent since to some place in London. He came and asked me another time what I wanted to see the director for. I told him, and he says, "You can't see the director for that." "Well, then," says I, "I never will tell my business to any one any more."

4076. (Chairman.) What was the purpose that you wanted to see the director for?—I can't tell that now, sir.

4077. (Mr. Brodick.) Did you see the governor on that occasion?—No, sir. I never reported after that to the governor. In fact, 'tis against my principles to report any one. I rather put up and suffer in the cells than report. I consider it mean to report, but 'tis worse to deserve to be reported. I put down again, sir, to see the director, and this present chief warden asked me what I wanted to see him for, and I wouldn't tell him. He asked me why, and I said I wanted to see him before three or four times, and when I told my business, I wouldn't be allowed; and so I wouldn't tell my business to anybody but the director.

4078. Have you anything to complain of with regard to the nature of your work?—No, sir. I have nothing to say against the work. The prison work at present is quite easy.

4079. (Mr. De Vere.) You said that you made a report to the director against another officer?—Yes, sir, I did, another officer.

4080. What happened when you made that report?—There was two of them: one was named Wood, and I forget the other man's name; he is here. I would know him if I see him.

4081. (Dr. Lyons.) Is Wood here still?—No, sir; he is gone.

4082. (Mr. Brodick.) Do you know where he is now?—No, sir.

4083. (Mr. De Vere.) Did you state your case to the director?—Yes, sir.

4084. What did he say?—He said he would see to it.

4085. When was that?—It was some time after Christmas, the time this chapel here was newly built; because one morning I was at the chapel, and me and Dr. Mulcahy were sitting on a back seat, and this officer was sitting on the end of a stool; the stool is about 8 or 10 feet long. So Dr. Mulcahy and me were sitting near the middle, and this officer was sitting at the end, I was bleeding from the nose, sir, and it was in the winter time, after Christmas, I felt the blood running down, and I took my handkerchief and put it up. I have the mark of it here in this jacket sleeve; so I took out my handkerchief to stop the blood, and I made a noise this way (*prisoner makes a guttural sound*). The officer comes over to me, and service going on, and he says, "Don't be making that noise with your mouth, or I'll soon stop you," he says. I looked at the man, and, says I, "What do you mean?" "I'd soon let you know," says he, "if you don't stop that noise with your mouth." Here was the blood on the handkerchief at the same time.

4086. (Chairman.) Was this Wood?—No, sir, this was not Wood.

4087. (Dr. Lyons.) What was his name?—He is here still, sir; I don't know his name.

4088. And would you know him if you saw him?—Yes, sir, I would.

4089. (Mr. De Vere.) Did you report that to the director?—I did, sir.

4090. Did the director take any action on your complaint?—I haven't heard about it since.

4091. Have you ever had any annoyance from that officer since?—No, sir. I never had an annoyance from him since. I showed the blood after to the director.

4092. Did you complain to any person of your having to clean out privies and water-cans?—To the director, sir?

4093. To nobody at all; say officer?—I did to Roberts, sir. The man threatened to "run me in," that is to put me in the cells, if I gave him any more annoyance. If you say a word they call it abuse and annoyance.

4094. Is it part of the usual duty of a prisoner to clean any water-cans except his own?—No, sir; I don't think it is.

4095. Did you see any case in which other prisoners were required to do so?—Oh, now sir, I recollect; the excuse he gave was this, my left arm is bad with rheumatism for years. I was away at the farthest end of the prison in B ward, up two pair of stairs. I applied to be excused to be what they call "orderly," that is carrying dinners and message work around, because I couldn't lift anything weighty by one arm, and 'twas the largest number of dinners of any ward in the prison, to have to bring it from the farthest end of the prison. 'Twas very severe on me with one arm, because I couldn't change it. I applied to the governor to shift me to some place convenient to the kitchen here in one of those lower places here where I could bring it easier, and he wouldn't sir; so I had to do the best I could, and I told him in the end I wasn't able to do it any longer; so then he excused me from bringing it, and because I was excused from that, then this man afterwards used to make me take these large cans that they bring the water in to serve all the dormitories and cells, that because the governor excused me from carrying them, sir; and these tin shades that is over the gas lights he used to bring them, and make me scrape them in the cell, and because I spoke against that, sir, he locked me in the cell and deprived me of all exercise. I understand I wasn't allowed any exercise to keep me in to clean them.

4096. Did you refuse to clean them?—No, sir; I

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didn't refuse it. He brought them there for me and I had to do it the best way I could.

4097. When did this happen?—Well, that was in 1865 or 1867, I could not say, sir, which of the two in 1865 or 1867.

4098. Whose duty is it generally to clean those water cans. Is it done by the prisoners?—Well, I don't know, sir; I expect it has been, of course, but I don't know whether there is any specially picked out for it or not.

4099. Do you see any prisoner doing it now?—No, sir; I'm in a room. I don't see anything. I don't take notice of much.

4100. How long is it since you were stripped naked?—The last time I was stripped naked, sir, was in Pontonville; but here I was stripped in this bath-house and had to throw off all my clothes; but I hadn't to stand in my nakedness as I had to do in Pontonville. They would allow me to stand in the bath and throw off my clothes, and I'd have to stand naked inside and then they would put the clothes in again; but they used come in repeatedly to come and search me, but I didn't strip off naked. I believe Dr. Mulvaney had to strip off naked here, but I didn't.

4101. How often have you been stripped in the bath here?—I can't say, sir.

4102. Were you seen by any persons on these occasions?—No, sir; I shut out the door and stand until they search the things, and they would throw them back again. But in Pontonville they would stand in the cell there looking at me, sir.

4103. In Woking, when you were stripped naked, did they ever search your person?—No, not in Woking, sir; but they did in Pontonville.

4104. How often were you stripped at Pontonville?—Several times; I couldn't say how often, sir.

4105. In what sort of a room did it take place?—In a cell, something the same as the cells up in B ward in this prison; isn't so large, I think, as B ward cells; about the same as Mountjoy, in Dublin.

4106. On the occasions of your being stripped in the cell in Pontonville prison, who was present?—Some of those assistant wardens, sir.

4107. How many of them?—Sometimes two, sometimes three; never less than two.

4108. Were any of your fellow prisoners present?—Oh no; we were in separate cells; we couldn't see each other exercising, and on the Sunday when we were brought to the chapel we would have to sit in cheaper fashion, one here and one there on different stools, and if we looked at one another they would threaten to punish us.

4109. On the occasion of your being stripped, what was done?—When first I came to Pontonville we were all stripped there. I had to stand naked, as when I came to the world, then stand on one leg, then on another, turn round, look at us behind, sir, and stoop down and look at 'tis disgusting, sir; make us open our mouths, feel our hair and our ears. 'Tis disgusting, sir, to tell how we were used. I don't like to speak of it; feel around our ears and our hair, and open our mouth.

4110. How long used this examination to last?—I can't exactly say, not very long, sir; about 10 minutes; eight or 10 minutes; I couldn't say exactly.

4111. Before these examinations, when you were stripped, had they ever found anything secreted on you?—No, sir; they never found anything with most all, never. I made it a rule that I wouldn't leave myself in any one's power, and wouldn't break their rules. If I was to find a thing on the floor I wouldn't take it up.

4112. Can you state the names of any officers who were present and laughed at you when you were stripped?—No, sir. I don't know any of their names, and there are several officers in this place that I don't know their names while I am here.

4113. Were they wardens who were generally in charge of you?—One of them was in charge of me. He would always have one or two others with him. In

fact, the man in charge of me, I didn't know his name. I didn't know the name of the warden that used to lock me up; I never asked and never spoke to any person. Nine months and three days that I was in solitary confinement I scarcely spoke to anyone.

4114. Have you any complaints to make as to the searching in Woking. Are you searched in any manner that you object to?—Well, in the end, sir, I protested against it.

4115. Where did you protest against it?—Here, sir, in Woking. I spoke against it the last time I was taken with the cold when we were working at the new prison. They took me to the bath-house and I wouldn't strip, so they never asked me since.

4116. Were you punished for refusing to strip?—No, sir.

4117. Can you tell whether the other prisoners, not the treason-felony prisoners, but the ordinary prisoners, are subjected to the same examination, or whether they are stripped as you describe?—In this bath-house in Woking they are, but not in Pontonville, they are not, nor in Mountjoy.

4118. Mountjoy is out of the question?—Yes, sir, Mountjoy is out of the question; not in Pontonville, nor they never had to put their clothes out at night, nor they weren't searched going out to exercise as we were, nor they didn't so undress themselves. I have asked several of them and they said they used never to be used that way. They used to see as used that way and they used to sympathize with us. We were held up as targets and we were badly used.

4119. (Cries out.) Do you wish to support that general statement by any particular instances that we may inquire into?—What I tell you is all true. I'll not leave it in anyone's power to say 'tis not. I would suffer death before I would tell a lie on the greatest enemy in the world.

4120. (Dr. Lyons.) Can you remember any particular instance of what you say, having accused, that you were scoffed and laughed at?—Pontonville, I could, sir.

4121. At what time was it?—In January and February 1865, sir.

4122. By what wardens?—Well, I don't know their names.

4123. In what division of the prison were you then?—F, I think, was the name, sir, as well as I can recollect.

4124. Did you get proper notice of the intended visit of this Commission to this prison?—Yes, sir; yes. I didn't know anything of it until we were locked up in our cells, and after we were locked up in the cells then they told us. I was brought in; I didn't know what it was for until I was locked up, and then I was told that the Commission was to come down. They asked me if I had anything to say to them, and I said "No." I declined, because I told them as I told you and the other gentlemen that met here, Pollock and Knox, the way they treated me I was determined not to have anything to do with them ever again.

4125. Were you offered pens, ink, and paper?—I was, sir; they took them to my cell.

4126. Did you take them?—No, sir.

4127. Do you wish for pens, ink, and paper?—No, sir, I have no desire for them. I have done the most of my time, sir; so I'll do the rest of it quietly and go away.

4128. You do not wish for pens, ink, and paper for the purpose of making any written statement to this Commission?—No, sir.

4129. Was leisure afforded to you to enable you to write any statement you may have desired to make?—Yes, sir; they kept me in the cell locked up, three or four days; five days I believe.

4130. Were the pens, ink, and paper left with you then?—No, sir, I told them to take them away, I wouldn't write. I haven't taken a pen in hands for five years, and I feel very awkward at it now.

4131. You said that you sometimes rejected the diet?—Yes, sir.

4132. What was your objection to the cheese?—
"Twas bad, sir; bad."

4133. What do you mean by "bad"?—Well, 'twas
bad cheese, sir; very inferior cheese; I couldn't eat it.

4134. Inferior in quality?—Yes, sir, the worst kind
of it.

4135. Was it bad of its kind?—Twas the worst
kind; 'twas quite white; I don't know what 'twas
like; I never see such stuff.

4136. Had it a bad smell?—It had, sir. I thought
it better not to eat it than to be sick.

4137. Had it a bad taste?—I tasted it, and I couldn't
swallow it. I couldn't eat it.

4138. You said that you rejected the share of beef
soup?—Yes, sir.

4139. Why did you reject the share of beef soup?
—It used to make me sick, the nasty taste and smell
of it, and it used to come up again.

4140. (Chapman.) How long ago is that?—I can't
say exactly, sir, how long ago it is. I suppose Dr.
Chapman can tell.

4141. How often did you reject the soup for the
bad smell?—I returned it for a long time; I never
used it, it used to make me sick. I threw it up; I
didn't take it at all.

4142. Do you mean to say that on one or more
occasions after taking the soup your stomach rejected
it?—Yes, sir, two or three times.

4143. Did you throw it up?—Yes, sir; throw it
up.

4144. What was it that nauseated you?—The nasty,
stinking smell, sir.

4145. What kind of smell was it?—Very disagree-
able.

4146. Did it smell as if it was bad?—Yes, sir.

4147. And stink?—Yes, sir; a bad, nasty smell.

4148. As if it was stale?—I don't know whether it
was stale or fresh, but it had a very nasty smell.

4149. Did it appear to you to be bad?—It did,
sir; bad.

4150. You cannot state to us on how many occa-
sions you rejected it because it was bad?—Oh, the
officer used to take it down every day himself; he
used to look it down, I believe. I suppose he has got
an account of it.

4151. Did that occur in this prison?—In this
prison, sir.

4152. Did it also occur in Pentonville?—No, sir.
In Pentonville 'tis superior to what it is here.

4153. Has that kind of soup ceased to be issued
here now?—It is in use, sir; but not to the other
prisoners. The other prisoners get it still.

4154. Was there anything else objectionable about
it, besides what you have stated?—I don't know what
it is composed of; all I know is that I couldn't eat it
or use it.

4155. Did you ever notice anything objectionable
in it?—I didn't; but I have heard several of them
say they found dead mice in it, and that they took it
back and showed it to the officer in the kitchen.

4156. Who do you know that stated that?—Some
of the prisoners.

4157. Can you name one prisoner that stated it?—I
couldn't. I used hear it when I was working at the
new prison. I'm not amongst them now as I used
to be.

4158. I want to know, can you name any individual
prisoner who said that he found a dead mouse in the
soup?—They used to be talking about it; these men,
I suppose, are all gone away.

4159. Can you remember any particular person
who stated that he had seen a dead mouse in the
soup?—No, sir, I can't. I can't think of the names
now; there's a great many of them I heard talk and
saying it.

4160. Did you hear it mentioned more than once?
—Oh yes, sir, I have; I heard it mentioned more
than once. There are hundreds of prisoners here. I
don't know their names. I pass them by, but don't
know their names.

4161. You stated that you objected to the pudding
also?—Yes, sir.

4162. Why did you object to the pudding?—
Because it used to feel very heavy and make me sick.

4163. Was there anything objectionable in the
appearance, taste, or smell of the pudding?—It used
to disagree with me very much, and I used to find it
a great load on the stomach.

4164. I want to know whether you observed any-
thing disagreeable in the taste, smell, or appearance
of the pudding?—No, not to say any more than—in
fact I am no judge of pudding. When I was outside
I never see any of that kind of pudding going out
side.

4165. Have you been punished in any way in an
English prison, since you came here?—Only once,
that was through this political prisoner that is here.

4166. What punishment did you get then?—Three
days' bread and water, sir, and 100 strokes remanding;
that is equal to 13 days. The three days on bread
and water I had no bed, no exercise, no book to read,
only one blanket at night, no bed, but look on the
hard boards in the winter, in the cold time of the
year.

4167. In what sort of cell were you confined?—In
a punishment cell, sir.

4168. Was it a dark cell?—No, sir; not a dark
cell.

4169. Could you see to read in it?—Yes, sir; but
they didn't leave me any books.

4170. Was there any book in it?—Yes, there was;
the chapel books, prayer books, but no library book.

4171. Was there light enough to read those books?
—Yes, sir; but no bed, only boards and one blanket
at night.

4172. For how many days were you kept there?
—Three days, bread and water.

4173. What had you to sleep on at night?—Down
on the board, with the clothes I had on me.

4174. Was there a raised place?—Yes, a raised
place at the end, on which I slept.

4175. What had you to lie on?—A board.

4176. Had you a sheet under you?—Nothing but a
board and these clothes, just as they are now, now on
me. I put a blanket over me.

4177. You had no pillow?—No pillow.

4178. Were you kept there the full time?—I was
kept there ten days and three nights, without being
left out; no exercise.

4179. Was there a pot or closet in that cell?—Yes,
sir; and 'tis a very disagreeable thing.

4180. Which was it?—A closet, sir.

4181. Did you observe a bad smell?—All the time,
sir; very bad.

4182. What time of the year was it?—Twas cold
weather; I couldn't exactly say what time of the
year it was, but the governor has it in his book.

4183. Were you ever punished more than once in
that way?—No, sir.

4184. Either in this prison or in Pentonville?—I
was never punished in Pentonville.

4185. Then since you have come to England you
have been punished only once?—Only once.

4186. By bread and water?—By bread and water,
and that by a political prisoner the same as myself.
He told the governor I offered to fight him, and that
because he wouldn't I called him a coward; I told
him he was a coward or any man that would insult a
man in here where he knows it isn't allowed; but if
he was to do it to me outside I would resent it as a
man. I said he was a coward to insult any one here.

4187. Did you suffer in health from the three days
bread and water?—I did, sir. I was very bad after;
pale and weak.

4188. In what way did you suffer?—I felt very
weak and bad health.

4189. Did you suffer from hunger during the three
days?—No, sir; I couldn't eat. They allowed me a
pound of bread, I think, a day, and three pints of
water, but after that I couldn't eat. I couldn't eat

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while I was in there, I suppose from the close confinement and foul air; there is no air at all there.

4190. Did you eat all your bread the first day?—I forgot, sir; but I know I didn't eat it all, for I left some there after I came out.

4191. Did you eat it the second day?—I forgot.

4192. Did you eat it the third day?—I left some after me in the cell.

4193. Did you feel more hungry the second day than the first day?—No, sir; I didn't feel any hunger at all. The third I day couldn't eat anything at all. I felt very weak, but no hunger.

4194. Did you feel any desire for food?—No, sir.

4195. When you came out of the cell had you any strong appetite?—No, sir. I had no desire for food, and there was bread there, but I couldn't eat.

4196. What food did you next get?—Friendliest, sir.

4197. Do you remember what the hour of the day was when you came out of the cell?—About 10 o'clock, sir.

4198. What was the hour for the next meal?—12 o'clock for dinner.

4199. Did you eat your dinner that day?—I forgot now; I had no appetite when I came out.

4200. Were you hungry or not when you left the cell?—No, I couldn't eat anything.

4201. Will you state positively that you were not hungry when you left the cell?—I wasn't hungry; I couldn't eat the bread nor drink the water.

4202. Had you a wish or a dislike for food at dinner that day when you were let out of the cell?—Well, I can't recollect now my feelings, but I recollect having no appetite at all. I was very weak for some days after; very bad; feverish.

4203. Did you hear any of the prisoners say that he had himself found a dead mouse in the soup?—Yes, sir; I have heard them say they found a dead mouse in it.

4204. Did you ever hear any of the prisoners say that he had himself found a dead mouse in the soup served to him?—Yes, I have heard a prisoner say he found it and took it out, and brought it down to the kitchen, and I have heard other men saying they saw it, and I have heard the man saying himself he took it out of it.

4205. Did you ever hear of any vermin being found in the soup besides the mice?—I have heard a man named Ryan have found some vermin in the gruel that he used.

4206. (Chairman.) Ryan is here?—Yes, sir. He found some rats' tail, I heard him talk.

4207. (Dr. Lyons.) Did you hear Ryan say that?—Yes, sir; that he found mice or rats' dirt in some gruel, and he showed it to the principal here.

4208. Is that Patrick Ryan?—Patrick Ryan, sir.

4209. Have you any complaints to make of the medical care taken of you in the prison, or in Pentonville?—Well, I was in Pentonville, I recollect and I felt bad there, and told the warden or the chief officer, the assistant warden; so he brought the doctor there, but instead of doing anything for me, he deprived me of exercise and wouldn't let me out; so that I forgot now how long I was locked up in the cell; he kept me in the cell and deprived me of exercise, and didn't give me—I forgot how 'twas.

4210. Who was that?—I don't know what the doctor's name was in Pentonville.

4211. What was the matter with you?—I felt very bad; scarcely able to walk; my feet were very bad; so he kept me in the cell, and as I was desiring to be let out I said I was better, to be let out in the air.

4212. You were complaining of your feet?—Yes, sir.

4213. Were you ordered anything to rub to your legs or feet?—No, sir; he didn't; and I told him one day, "Doctor" says I, "will you be kind enough to allow me to leave this bed?" The bed I used to lie on was a common door, so 'twas stretched out for them to lie down at night. I asked him if he would allow me to put it down on the floor and put my feet on it, because I noticed the asphaltic floor when I laid my feet on it and took them up 'twas quite wet. I

said I thought the floor had no effect on people's feet says I, "Do you ever feel it?" He said he did. I felt my feet as if pins and needles were sticking through them, or like a person troubled with scum. Well, I asked the doctor if he would allow me to stand on this board to keep my feet off the floor, but he wouldn't; but the doctor said "You may lay it down if you like; I don't care what you do with it." Well, sir, they stripped me of my fannels; I wore fannels up to 25 at 30 years.

4214. They took away your fannels?—They took away my fannels when I was at Pentonville. I got pains all over me. I used to be shivering all day like a person in ague.

4215. How long were you left without the fannels?—Three or four weeks I think. It continued in December, and I forget whether 'twas in January or February I got the fannels back again. I told the doctor repeatedly to allow me to be in bed; he would not; I had to get up and 'twas a very cold time, the winter of 1868.

4216. During the time you were complaining of your feet were you ordered any medical application to rub to them?—No, sir; I never got anything to rub to them.

4217. Are you quite sure of that?—I don't think I ever got anything to rub to them.

4218. Can you remember whether you got anything to rub to your legs?—Well, to the best of my recollection I didn't. I think I did. I told them how bad my feet were, and even when I was coming away from Pentonville here, I didn't know where I was coming, I told the doctor I was scarcely able to walk, that the shoes I had were very bad.

4219. I want to know did you get any liniment or other medical preparation to rub to your limbs?—I recollect getting some medicine. I recollect the assistant or man bringing some bottles in there and giving me something out of a bottle, but I forget now how I used it.

4220. Did you get any medicine to drink by the month?—I recollect using medicine some how or another, but I forget now how I used it; but I don't recollect rubbing anything to my feet.

4221. (Dr. Greenhow.) Did you rub your shoulders with anything?—I had pains all over, sir.

4222. Did you not get something to rub your shoulders with?—I expect I have, sir, but I can't recollect; very probably I have. I recollect the doctor's assistant bringing in bottles and things, but I forget how I used the stuff he gave me.

4223. (Dr. Lyons.) Have you any complaint to make of your medical care and treatment since you have been in Woking?—No more than what I told you, sir.

4224. Has your sight become impaired?—Oh yes, sir, very much, and my hearing.

4225. How do you find that your sight has been impaired?—I can't say, unless 'tis the white wall and bad living; I suppose bad nourishment.

4226. By what means do you judge that it is impaired?—I can't see at all, sir, as I used to, and I had very good sharp sight.

4227. Had you far sight?—Well, I had far sight; I could see a long distance.

4228. Have you noticed any change in that respect; have you found that you cannot see objects at a distance?—Oh yes, I can't at all as well as I used. I often thought 'twas the bad usage and bad living so long, I can't see so well as I used.

4229. Can you see small or near objects as well?—No, sir.

4230. Do you read your prayer book or other books?—Yes, I read library books with the assistance of my glasses, but I can't see a letter at all so I used to, and before I was in prison I could read without glasses.

4231. Were you in the habit of using glasses before you came to prison?—Not very long, sir. How I came to use glasses first, sir, I had no occasion to use glasses, but 'twas a friend of mine that died, and left

this, a keesake like, and I kept it, so 'twas for that that I used it. I can't read anything now, sir, without glasses.

4232. You say that you are not able fully to use your left arm. How then did you carry the tin can?—There is a long stick and you have to take one end and another man takes the other end, "Tis carried by two, sir."

4233. Are you now put to work at the pumps?—Yes, sir; that's quite easy.

4234. Does it distress you?—No, sir; a child can do it.

4235. You do not object to it?—No objection at all, sir, to it.

4236. Have you any objection to make against warden Scamond?—Yes, sir; he gave me a great deal of annoyance when I came here.

4237. What complaints have you to make against him?—He has given me a good deal of annoyance when I first came here.

4238. In what way did he give you annoyance?—When I would be coming down and have nothing to do he would make me take these large baskets of clothes, baskets of clothes with the prisoners' changes. They need to take them at a Saturday night. On coming down he would make me take them when it wouldn't be my place to do it at all, and plenty of young men there. He would pick me out and make me bring it on my shoulder which I am not able; and he would make me pick up the dirt buckets when 'twasn't my place; all such little things as that. He would pick me out and make me bring this dirt bucket the whole length of the prison; and he has repeatedly locked me up in the cell, and deprived me of my exercise, finding fault with everything I did.

4239. Do you now wish for pens, ink, and paper, to enable you to write any statement for the Commission?—No, sir; I'm not in the habit of writing now. I don't wish to write any more.

4240. Is there any friend, any legal adviser, or other friend, that you would wish to see and advise with, in regard to any statement you may desire to make to this Commission?—I don't see any good 'twould do me, sir. All I want or seek is, if I be allowed the time from the first trial. Here's Mr. Dillon here, and others, they were allowed from the first assizes and I'm not. I think I ought to be allowed that as well as they.

4241. (*Mr. Brodick.*) If you were allowed that, how soon would your term be out?—About two months more, sir. 'Twould shorten it four months. The 17th July 'I'll be five years.

The prisoner withdrew.

PATRICK STAN, prisoner, examined.

4256. (*Chairman.*) Do you come from the hospital?—Yes, sir.

4256. How long have you been here?—Since Wednesday week, sir.

4257. You have handed us a statement which has been carefully read by the Commissioners. I hold it in my hand now. I will first tell you who the gentlemen that you see here are: that is Mr. De Vere, that is Dr. Lyons, that is Dr. Greenhow, that Mr. Brodick, and I am Lord Devon. Any statement that you may desire to make you have the full liberty of making. It will be taken down here by a shorthand writer. It will be made without its being overheard by any person connected with the prison, and whatever you may say you can say and state freely, because it will not be asked in any way to prejudice or injure you in your future position. I will ask you first a few questions connected with what you have stated here, and then you will have an opportunity of stating anything you wish?—I am a little deaf, sir. [*The prisoner was allowed to stand nearer the Chairman.*]

4258. Have you heard me say who the Commissioners are?—Yes, sir.

4259. Have you heard me say that any statement

4242. (*Dr. Lyons.*) What remission have you obtained in prison?—There's one year and seven months remission allowed, sir.

4243. How much have you earned?—If I get it all, with the exception of these 13 days and some days I have been in hospital, sir, I expect.

4244. Did any one ever inform you when you came into prison that you had the power of appealing to the Secretary of State?—No, they never told me anything about that.

4245. Are you aware that prisoners have a power of appeal to the Secretary of State?—I never inquired sir.

4246. Are you aware of it?—Well, I know Colonel Burke, here, he wrote to the Secretary of State about something.

4247. How did you know that prisoners had the power of writing to the Secretary of State?—No more than that I know they wrote.

4248. Did any one ever tell you anything about it, connected with this prison or Pentonville?—No, sir; no one ever mentioned it to me at any time, but one of those warders asked me if I ever petitioned. I told him "No, I never did, I never did anything I was afraid or ashamed of, and I wouldn't be begging."

4249. (*Chairman.*) Are there other treason-felony prisoners sleeping in the same room with you?—Yes, sir.

4250. Who are they?—General Bourke, sir, is one, and the others are in hospital at present; only General Bourke and me, and another prisoner.

4251. Is that Thomas Bourke?—Yes, sir; but I have been all the time in a cell until I believe the last 10 or 11 months. I have been always in a cell. I have been up to four years in a cell, nearly, about.

4252. (*Mr. De Vere.*) When they took away your fannels in Pentonville, did you complain of it?—I did sir. I told the doctor there. I says, "I have been wearing fannels for the last 30 years and I'm getting a trembling all over me, and pains all over me, and cold and shivering, cold as if I was in a pond, in a lake, naked"; and he caught a hold of the trousers and he says, "That's a very good 'trousers' the doctor says, 'I don't see anything cold in that.'" Well, I says, "I can feel cold without the fannels."

4253. What doctor was that?—I don't know what his name was.

4254. How long after you made the complaint did you get the fannels?—'Twasn't about three or four weeks. I can't exactly say.

you may desire to make, you will now have a full opportunity of making privately to us and out of the hearing of any person connected with the prison?—Yes, sir.

4260. Have you heard me say that what you state will be taken down by a shorthand writer, but that it will not be used in any way to injure you, and that it will not prejudice your position in prison?—Yes, sir.

4261. I will begin with when you came to Millbank. You came there on the 30th March 1868?—Yes, sir.

4262. Tell us what happened when you got there first?—At the first time I went to Millbank, when I was received at the reception ward, I was in such a hurry at the time. Don't take down, sir, what I am saying at the present moment. At the time I was acquainted with the Commission, I didn't know what to say, for I was told they would be here in the preceding week. On my reception to Millbank I was taken to the reception ward and stripped naked, and searched in the presence of two officers and my fellow-prisoners. I had my arms extended from my body while naked, looked in my mouth and the entrance of my ears, up my nostrils and up my fundament, sir,

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and compelled me to rise up one leg, and looked under my toes, and then the other, and handled my testicles; that was the last thing they did.

4283. While you were asked?—Yes, sir, while I was asked. Then I was taken and put into a bath.

4284. Do you mean to say that they actually touched your private parts?—Yes, sir.

4285. You were then put into a bath?—I was then put into a bath, sir.

4286. How often were you searched in that way?—Once a week, sir. None of the other prisoners were searched the same time that I was, only on two occasions, during the time I was there.

4287. If the other prisoners were searched in the same way, you do not know?—I don't know, but I saw them once. I mentioned that.

4288. On the two occasions that you remember, there was a general search. What took place between you and the warder then?—I washed myself as well as I possibly could, and I got out to get my own clothes to put them on again, and the principal warder told me to lay them down and take up the prison clothes, so I took them up. They were tied in a small bundle. They were worn by other prisoners. I didn't know whom at the time; and then I was conveyed to a cell, and was kept in the cell for that day and night, and then I was put up to the orderly ward.

4289. What is the "orderly ward"?—Where they work, sir.

4290. What kind of work is it?—Tailoring, sir.

4291. Were you at any time found fault with while you were there?—Several times, sir.

4292. What was that for?—For not doing sufficient work, sir.

4293. How was it that you did not do sufficient work?—Because I couldn't; it was strange to me and very awkward.

4294. What work were you at before coming in?—I was a hollenmaker by trade. I asked to be allowed to work at my own trade, but of course I couldn't work there at that time.

4295. There was none of that work there that you know?—No, I don't know.

4296. Were you employed in any other work but the tailoring?—No, sir, only tailoring during the time I was there.

4297. Were you not employed to wash and scrub the prison?—Yes, sir, four times a week.

4298. You took your turn at that?—Yes, I had my morning every four mornings.

4299. Who did it the other three days?—Then were the only four mornings of the week that all the prisoners should do the same. I was doing one part, and another prisoner was doing another part.

4300. Had you ever any conversation with the warder about that work?—No, sir.

4301. Did he find fault with the way in which you did that work?—Yes, sir, he did.

4302. What did he say?—He told me I was like a man that never saw a thing learned in my life, and took the flannel out of my hand to show me how to put the water on.

4303. You were also put to work at the pumps?—Yes, sir.

4304. How many men did it take to work the pump?—29 men, sir.

4305. Not all of them at once?—Yes, sir, 29 men at once.

4306. How long did you work there each day?—Half an hour each day.

4307. Did you work there every day in the week?—Yes, sir, every day in the week.

4308. Did you ever object to working on any one day of the week?—I objected to it once, sir; that was on a Sunday that I was to receive the blessed sacrament, and the officer told me I couldn't, that it would be better for me to work at the pump, that it would do me more service.

4309. What time used you to work at the pump?—When we used to go to exercise in the morning.

4290. What time used you to go to the Cathode chapel on Sunday there?—To the best of my belief I think it was about 9 o'clock, sir.

4291. And used the pumping to be done before that?—Yes, sir.

4292. Can you tell us whether working at the pump was over before 9 o'clock?—I cannot, sir. Several wards used to exercise in the area at different hours of the day, and during different hours the pump used to be continuing work.

4293. (Mr. Brodick.) Were you unable to take the sacrament that day when you were kept at the pump?—No, sir; because, of course, I had to tell the priest about it afterwards.

4294. (Dr. Lysons.) Did you receive the blessed sacrament that morning?—Yes, sir.

4295. You did?—Yes, sir.

4296. After working the pump?—Yes, sir.

4297. (Chairman.) How often used you to bathe while you were there?—Once a fortnight, sir.

4298. Were the baths divided by partitions?—They were divided from each other by partitions, but there were holes in the baths.

4299. At the bottom?—In the sides, sir.

4300. So that the water flowed through?—The water flowed through. It was all one water.

4301. How many men had one water to bathe in?—Sometimes there were would be four men, sir.

4302. How do you know that?—Because I know by the dirt that would be on the top of the water, that there would be no clean water.

4303. The water would be dirty when you went in?—Yes, sir.

4304. You state that men that had sores were often in. How do you know that?—Because I saw them with the bandages tied on their legs.

4305. You saw men going to bathe near you with bandages on their legs?—I saw them after coming out of the baths, sir, and the bandages on again.

4306. Who saw that besides yourself?—Well, I couldn't say, sir.

4307. Was the officer by?—Yes, sir, the warder was by.

4308. (Dr. Lysons.) Could you name any warder that saw it?—Well, I couldn't name any warder there, sir, because I didn't know them.

4309. Could you name any particular day on which it occurred that you had to enter a bath out of which you saw men come with sores on their legs?—No, sir; I could not.

4310. Could you name any man who saw it?—No, sir; I didn't know their names, because I wasn't allowed to speak to anybody; not a single sentence.

4311. (Chairman.) What sort of food had you while you were at Millbank?—I had eight ounces of bread in the morning, sir, and three quarters of a pint of porridge; for dinner, I don't know whether it was four or five ounces of beef or mutton, or three days of the week, and skins-of-beef soup on one day of the week in Millbank; I think it is, and soup on Thursday.

4312. What is the Sunday dinner?—Bread and cheese, sir.

4313. Did you find that you could eat that food?—I could not, sir.

4314. Why not?—Because I was used to better food, sir.

4315. Did you return your food at any time?—Yes, sir, on several occasions.

4316. What was the consequence of that?—Because I couldn't eat it, sir.

4317. That was the cause of it; but what was the consequence of your giving it back; did you get any other food in place of it, or was the doctor sent to you?—No, sir; the doctor was not sent to me.

4318. Was anything else given to you that day when you returned the first food you had?—No, sir, there was not.

4319. Then you went without it?—I went without it, sir. I got nothing for the food I returned. The officer asked me why I was returning my food, and I

told him I could not use it. He told me it was quite good enough for me, and that he would keep and help me to use it.

4320. He said he would help you to use it?—He said it was good enough for me, and that if I was there five or six months, perhaps I would be very glad to have it to eat; and that if I didn't eat it, he would come and cut it for me.

4321. You speak of an occasion here when you asked the officer to let you out of your cell to get a pint of drinking water?—Yes, sir; that was at half-past eight o'clock at night.

4322. It was after you were locked up?—No, we were not locked up then, sir.

4323. What did he say to you when you asked him that?—He told me "No;" that I could have no water at that time of the night. He told me to drink the water out of my bucket.

4324. You had water in a bucket?—I had since 6 o'clock in the morning, and pieces of pudding I had inside.

4325. Did he say anything else?—He said it was good enough for me, and I couldn't get no more that night; "You damned Fenian yes," says he.

4326. "You damned Fenian"?—Yes, sir; he hadn't the door open at the time, and I didn't know who the officer was.

4327. He was outside and you inside the door?—Yes, sir.

4328. When he used the words, "You damned Fenian," he was outside in the ward?—He was outside in the ward, sir.

4329. Was there anybody there to hear what he said?—I don't know, sir, unless the men in the next cells may hear it.

4330. (Dr. Ligonier.) Do you know who the men in the cells were?—I would know them by eyesight; but I couldn't tell their names, sir.

4331. (Chairman.) How long ago was that?—It is a good bit ago, sir.

4332. How long have you been in this prison?—I have been 12 months the 12th May last.

4333. (Mr. De Vere.) What is the period of your sentence; how long are you in for?—Five years, sir.

4334. (Chairman.) When were you entering from pain in the back and across your chest; what time of the year was it?—I think it was about winter time, sir, or close on winter.

4335. Did you apply for the doctor?—Yes, sir; I did; I applied to Dr. Wilson.

4336. What did he say to you?—I asked him if he please to give me a bandage. No, sir, I was going astray; indeed I quite forget what I am saying.

4337. Did he say anything about you wanting to see anybody?—I told him I was suffering from pain across the back and chest, and he told me then I wanted to see Thomas Johnson.

4338. What is the meaning of that?—I don't know, sir.

4339. Did you ever hear of any man of that name?—I heard of several men of the name.

4340. You do not know what the doctor meant by Thomas Johnson?—I do not, sir.

4341. What else did he say to you?—I asked him, would he be so kind as to explain to me what he meant by the words "Thomas Johnson," and he said, "That will do." I asked him if he please to give me a bandage to wear round my waist, as I was in the habit of wearing one from my infancy, and he said if I got a bandage all the prisoners in the prison should get them. I told him all the prisoners in the prison wouldn't require them, only those wanting them, or suffering from the same complaint as myself.

4342. Did you ever get the bandage?—I did not, sir.

4343. What complaint was it that you had; were you ruptured?—No, sir; but I had a pain across the chest and small of the back, from the tailoring.

4344. Had you been in the habit of wearing flannels?—Yes, sir, from my infancy.

4345. When was it that they took away the flannels from you?—This was in Cardiff prison.

4346. When did you get the flannels again?—When I was brought back for trial, sir.

4347. Was that in Cardiff?—Yes, sir.

4348. When you came to Millbank, had you flannels on?—I had my own clothes, when I came to Millbank.

4349. When they gave you the prison dress, did they give you flannels?—They did, sir.

4350. Were you allowed to keep the prison flannels always?—Yes, sir.

4351. You have no complaint to make of their having been taken from you?—No, sir, not in prison; not since I got them.

4352. Have you sufficient clothing in prison?—My clothing is not sufficient in winter time, sir; 'tis very bare, and my legs are very bare from the knee down, sir, exposed to wind and all sorts of weather.

4353. You have woollen stockings?—I have woollen stockings, sir.

4354. But you are not accustomed to wear breeches?—I always wore trousers, sir.

4355. You came to this prison on the 12th May last year?—I did, sir.

4356. What happened to you when you came here?—When I came here on the 12th May, I was brought into this ward and stripped naked by the principal warder, and searched after leaving Millbank prison; and I objected to strip, sir, and I told him I had nothing in my possession at that time; and then he said it was a general rule throughout all prisons for prisoners to be searched on their reception, so I had to submit, and was stripped.

4357. And you were searched?—Yes, sir.

4358. Were you searched in the same way as you were at Millbank?—No, sir, I was not.

4359. Not so minutely?—I had to take off the clothes, sir, but they didn't examine my person.

4360. (Dr. Ligonier.) No hand was put on you?—No, sir, not one.

4361. (Chairman.) What ward were you placed in?—D ward, sir, right.

4362. Is that the ward of the separate class?—It is, sir.

4363. What work were you put to?—First I was put into the knitting shed, sir, to knit stockings, and I remained there for a time. I didn't find I was getting my health very well there.

4364. Did you apply to any of the officers in consequence?—I applied to the governor to get work outside to see if I could get my health better, and he put me to outside work.

4365. What kind of work was it?—Drawing cars, sir.

4366. Did you find that better?—I found it better at the time, sir, but still it wasn't very heavy on my chest, and I found it came aguish me.

4367. Did you tell the doctor or the governor that?—I told the governor afterwards in a very short time, because I couldn't agree with the men that were working along with me; they were such very noisy spoken fellows, and I couldn't listen to the conversation.

4368. Are six or eight men, when they are drawing cars, allowed to talk?—Yes, sir, but not to a very high extent.

4369. In consequence of that, what did you do?—I went to the governor and applied to him that I would be very thankful if he would be pleased to take me from that party I was in, and put me in some place else.

4370. What did he say?—He put me back to the shed again, sir.

4371. That is the knitting shed?—To the knitting shed, sir.

4372. How long did you continue there?—Until, I think, the month of January last; I was put out then to work the pump with my fellow-prisoners.

4373. How many work at the pump?—Sometimes three or four, sir.

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4374. It is not hard work, is it?—It is hard work if a man works at it if he likes.

4375. Four men at the time were put at it?—Four men at the time, sir.

4376. You did not find it try your strength?—Of course, if I worked hard; but I didn't, for I couldn't work hard.

4377. (Dr. Lyons.) How long is each man obliged to work at it?—Half an hour, sir.

4378. (Chairman.) That is the work you are at since you came into hospital?—Yes, sir, since I came into hospital.

4379. How did you come into hospital?—I think it was last Wednesday week, sir.

4380. Have you anything to complain of in regard to the attendance and attention of the doctor to you? Did he do everything that was necessary for you, as far as you know?—Well, at the first time I came here, sir, with regard to my food, I couldn't see it.

4381. You were accustomed to other food you say?—Yes, sir.

4382. Has the doctor attended to you, and had you everything you wanted during the time you were ill?—The doctor attended to me, sir, pretty well.

4383. Have you anything to complain of in that respect?—Well, I don't believe I have, sir, this present time.

4384. What is the rule as to the mode of bathing in this prison, is it different from that at Millbank?—Well, it is just the same, sir.

4385. Is the separation between the baths the same?—The separation between the baths and the water is all.

4386. In common?—No, sir; every two baths is one water, and then after two prisoners wash there is clean water put in for two more.

4387. Was there any occasion on which you declined to strip in order to bathe?—In this prison, sir?

4388. Yes?—Yes, sir.

4389. When was it?—On the 18th August, I think.

4390. Tell us about it. How did it happen?—It was a customary thing for prisoners to be stripped; once a month, all prisoners to be stripped, and I being working along with them at the time in the hulking shed, I was taken with the party, sir, to this bathing room, and to the best of my belief there was somewhere about 30 prisoners in at the time. I saw them stripping off their clothes, and the officers taking some of them into the baths, and stripping them naked, and I kept my clothes on, and the officer, Mr. Vaughan, was his name, he came forward and asked me if I objected to strip, and I said, "Yes." "All right, Ryan," said he, "we shall see about you;" so in the course of an hour or three quarters of an hour's time, I was brought before the chief warden and he stated his case.

4391. (Mr. Brodribk.) What is the chief warden's name?—I think Mr. Allison is his name, sir, and he asked me what reason had I for not stripping; I told him that I was a political prisoner, and I thought it was very unjust that I should strip in the presence of so many criminals; and he told that I was no better than any other, and that I disobeyed the officer's order and violated the prison rules. I just told him I never disobeyed the officer's order nor violated the prison rules, that I should be very sorry for doing so. He then told me that I was here as a prisoner, and that I should be treated as any other prisoner while I was here, "and another thing," said he, "your ability is not so high enough, and there's men here of higher ability than what you are."

4392. He used the word "shifty"?—Yes, sir; "men of higher ability than you are, are subject to the prison rules," and with that he ordered me off to the punishment cells, where I was stripped naked and searched, my clothes, not my person, sir.

4393. You told him before that you would be ready to be stripped in a private cell?—Yes, sir, I asked him, what is the reason that I wouldn't be stripped here like I was in Millbank.

4394. Did you say, "Why can't I be stripped in a private cell"?—Yes, sir, I thought it unfair.

4395. How long did you stay in that cell that you were put into on that occasion?—I stopped there 24 hours, sir.

4396. (Dr. Lyons.) What food had you there during that time?—I had the same food, sir.

4397. What bed clothes had you?—I had the same bed clothes, too, sir.

4398. What bed had you?—A plank bed, sir; a small sort of mattress, I believe.

4399. (Chairman.) There was some occasion when you were charged with laughing in school?—I beg your pardon, sir, till I describe the cell I was in. When I went into the cell there was a closet in it with no lid; in the morning when I got out of bed I should wash myself, and empty the water into this closet, and every time I used my pot during the day; there was no water to take the nonsense away, so that there was a very bad smell in it, sir, all day.

4400. Did you remain there until evening then?—I was put in, sir, about 8 o'clock in the morning; I had to remain until about 9 o'clock the next morning, until I was brought before Mr. Bramley, the governor.

4401. When was the occasion on which you were brought before the warden for laughing in school?—Yes, sir, I was.

4402. What was it about?—It is a customary thing with the school prisoners to work an hour in the morning; we go to school from that till dinner time. I stood up from where I was, to go to the watercloset, sir, and the officer told me to go back and take my seat. I turned round, and I may have smiled at my disappointment at not going to the watercloset; but he told me then that I laughed at him, and I never thought of doing so; I hadn't the slightest idea of it. Then he brought me before the chief warden and stated that I laughed at him. The chief warden asked me what I had to say; I told him that I was innocent of what I was accused of. He said, "Take him off to the cell; that will do; do you want to make the officer a liar?" so I was taken, sir, and treated as before, 24 hours.

4403. You were put in the same sort of cell?—I was put in the same sort of cell, sir, and got no exercise.

4404. Could you tell us what day that was?—I could not, sir.

4405. Can you tell us who was the warden that charged you with laughing at him?—Mr. Knoller, sir, was the officer; he is an assistant warden.

4406. Is there anything else that you wish to say to the Commission with reference to what you said in this letter?—Well, I don't believe there is, sir.

4407. Have you anything to complain of besides what you have stated here in this paper and have now stated to me, at any times in reference to your diet, or your clothing, or your treatment by the officers. Have you anything to add to what you have said here?—Well, with regard to my diet, sir, I can't exactly tell what time my fellow-prisoners were put on the change of diet. It was on the 22nd I had change of diet.

4408. (Mr. Brodribk.) The 23rd of the present month?—The 23rd December, sir.

4409. (Chairman.) Your diet was made better?—Yes, sir; it is better three days in the week, but the other days it is the same as the other prisoners.

4410. Have you anything to complain of in reference to the opportunities afforded you of attending chapel. Have you full opportunity of attending at the chapel and of seeing the priest when you wish it?—Yes, sir.

4411. (Mr. Brodribk.) When you were stripped at Millbank, are you quite certain that other prisoners were present?—Yes, sir, I am.

4412. Were they in the same room; was it in a room like this, or where was it?—It was in a corridor, sir, in a large corridor that is round the prison.

4413. And when you were stripped naked the other prisoners could have seen you?—The other prisoners did see me, sir.

4414. Besides the warders?—Besides the warders, sir.

4415. How was it that you were stripped here in the baths; are not the baths divided from each other?—Yes, sir, they are.

4416. Then if a man was stripped naked in one of those baths could he be seen by others?—No, sir, he could not; he might be seen by the men in front, but could not be seen by the men at one side, because the door may not be closed enough at the time.

4417. Then when you objected to be stripped naked here, it was not because you would have been seen by other prisoners?—It was partly that, sir, and partly to not being stripped at all, sir. I had an objection to it both ways, sir.

4418. At Millbank when that officer called you a "damned Fenian," did you complain to the governor?—No, sir, I did not. I was foolish, and didn't do it at the time; because another thing, it would be no use for me, because the governor wouldn't believe me. I didn't know the officer; I couldn't see him; my door was shut; I only heard the words outside the door, sir.

4419. Did you ever complain to the governor at Millbank?—No, sir; I did not.

4420. Have you ever complained to the governor here on any subject?—I complained to him, sir, about the time that I have been separated from my fellow-prisoners, and about the conversation that I heard with other prisoners to be so filthy.

4421. Did you complain to him that you were not associated with the other Fenian prisoners?—Yes, sir, I did.

4422. What did he say?—He told me that it was not in his power to do anything for me; that I should go to the director and hold my own counsel.

4423. Did you make an application to the director?—I did, sir.

4424. What reply did the director give you?—He told me that they were tried in Ireland, and I was tried in Wales, and that I could not be allowed to be associated with them. I told him I was convicted on the same charge as them, and why not be allowed to associate with them. "Another thing," said he, "you are not of the same class."

4425. Did the director say that?—He did, sir.

4426. (Dr. Lyons.) What director?—Mr. Pagan, sir.

4427. (Mr. Brodrick.) Who was it that told you you were not of the same ability as the others?—Mr. Allison, sir.

4428. That was the chief warder?—Yes, sir.

4429. The director did not use any expression like that, but said, "You are not of the same class"?—He said I was not of the same class.

4430. When you were put into the punishment cells, by whose order was it done?—By the chief warder, sir, by Mr. Allison's orders.

4431. If I understand you, you got the same diet as that cell?—Yes, sir, I did.

4432. And was the cell itself as good a cell as the one you had been in?—No, sir; not at all.

4433. What was the difference?—Because, in the first place, sir, there was no stool nor chair to sit on; nothing but this plank bed; and it was both dark and gloomy.

4434. Was it not so light as the cell you had been in?—No, sir; at least, I fancied so.

4435. Were you allowed books to read?—Yes, sir; I was allowed books to read at the time, because I wasn't punished by the governor.

4436. Were you brought before the governor the next day?—I was, sir.

4437. On each of those three occasions that you have mentioned?—Two occasions, sir.

4438. What happened when you came before the governor?—When I went before the governor I

staid to him as well as I possibly could, I told him what I had to say, and he discharged me.

4439. On both occasions?—On both occasions he didn't see the case strong enough, I daresay, for me to be punished.

4440. It was on one of those occasions that you were confined on the charge of laughing at the officer?—It was, sir.

4441. You have told us in your written statement that the governor then made some remark to you about a prisoner's word. Do you recollect that?—I do, sir.

4442. What was it that he said?—He told me in the statement that I was making to him there were several prisoners in the room that could certify I didn't laugh at the officer, and the governor told me he wasn't supposed to take a prisoner's word, one way or another. Prisoners in the prison now, sir, will say the very same thing; I didn't laugh at him.

4443. But you were not further punished?—No, sir, I was not.

4444. Have you any other complaints to make against warders in this prison? Have you been ill-treated by them in any other respect?—Well, I have, sir, several times. I have been on several occasions trying to get an opportunity of speaking to my fellow-prisoners when they were separated from me, and the officers would speak very angry to me, and tell me they would report me, and one thing or another, and if I wanted to speak a word or attempted to speak they would threaten in the most bitter language.

4445. Have you ever complained to the governor of that?—No, sir, I have not. I took everything as quiet as I possibly could, sir.

4446. You have spoken of having to clean the mistal which had been used by other prisoners?—So I have, sir.

4447. Was that what other prisoners were expected to do?—Yes, sir, in their turn.

4448. You have also spoken of feeling very cold in winter?—Yes, sir.

4449. Will you say what clothing you wear in winter?—I will, sir. I have got a shirt, jacket of the same material as this, sir, and this waistcoat, and just the same dress as I have at this moment.

4450. Under that waistcoat what would you have in winter?—A shirt, flannel, sir.

4451. And under the trousers should you wear drawers?—Drawers, sir.

4452. Are they woollen drawers?—Yes, sir, woollen drawers.

4453. Is there a frock used in winter?—Yes, sir.

4454. Over the jacket?—Over the jacket.

4455. Do you not find that warm enough?—No, sir.

4456. Not here?—No, sir. I have been in the habit of working in the iron-works in Wales, in a hot place, and was always accustomed to very warm clothing, especially when the weather would be cold.

4457. Have you anything to complain of about sending or receiving letters?—Well, no, sir; I have not.

4458. With regard to the visits of your friends, have you anything to complain of?—I have not, sir. I have got no friends to visit me, sir. Yes, sir, with regard to the visit I received in Swansea from my father.

4459. I am afraid we are not to go into that. We are not empowered to inquire into what happened at Swansea?—Well, I have nothing else to say.

4460. Have you ever petitioned the Home Secretary?—I have written a petition once in Millbank, but I daresay it was not of much use.

4461. Did you ever receive a reply?—I received a reply that there was not sufficient grounds to grant me a pardon.

4462. On what grounds did you petition?—On the injustice of the charge of which I was convicted.

4463. Have you ever petitioned since on that ground?—No, sir.

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4464. Have you ever petitioned on any other ground?—No, sir.

4465. (*Mr. De Vere.*) On what occasion was it that the officer said to you "He wants to make his office a bar, that will do, take him off to the cell." When was that said to you?—That was at the time, sir, that I laughed at the officer.

4466. Were you taken to the cell then?—I was, sir.

4467. (*Dr. Lyons.*) Did you laugh at the officer?—I did not, sir.

4468. (*Mr. De Vere.*) Was there more than one officer present in the school at the time?—No, sir.

4469. Did you offer to bring forward any person that was present at the time to prove that you did not laugh at the officer?—Well, I didn't offer to bring forward anybody, but I told the governor there were several men that could certify that I didn't laugh at him.

4470. Was it on that occasion that the governor said he was not supposed to take the word of another prisoner?—It was, sir.

4471. You complain about wearing clothes that have been worn by other persons?—Yes, sir.

4472. Were the clothes that were given to you dirty or worn out?—They were dirty, sir, and worn out. The first time I entered them, sir, I never got a new suit of clothing; so that I have been furnished with only this new breeches; I have now a new pair of boots; these are the only new articles I got of prison clothing while I am in prison.

4473. When you say the winter clothing is not warm enough, do you speak of the second-hand clothing that you got, or would you think it warmer if you got it new?—Well, I would think it much better, sir, if I could be allowed trousers instead of breeches to cover my legs.

4474. That coat on you is an old coat; if it was new it would be a great deal warmer?—Yes, it would, sir.

4475. Would you find the clothing warm enough in the winter if it were new?—I couldn't say, sir, but I think it would be warmer.

4476. When is it that you feel the cold most?—Up about the body, sir.

4477. But at what time; is it when you are in or out?—When I am out at exercise, sir.

4478. What is your work?—Pumping, sir.

4479. And it is when you are pumping you feel the cold?—Yes, sir; when I am standing.

4480. Do you find your bed-clothes pretty warm at night?—They are pretty fair, sir.

4481. What clothing do you wear on your body at night?—In summer time we have got two sheets.

4482. What body clothing have you at night?—Shirt and flannels, sir.

4483. Do you wear flannels at night?—Yes, sir.

4484. If the night was cold, would you be allowed to put your day clothes on the top of the bed clothes?—Well, in this prison, sir, they are allowed to do it, but I have not seen it before.

4485. Are you obliged to put your clothing out of the cell at night?—Not in this prison, sir.

4486. I think you said in your statement, that at one time when you were suffering from bowel complaint you had a difficulty in being allowed to the water-closet?—Yes, sir, I had.

4487. Could you put out the signal stick if you liked?—Yes, sir; that was in Millbank.

4488. If you put out the signal stick and told the warder you were unwell, would not he allow you to go out to the necessary?—No, sir; he would not.

4489. Did you ever try that?—I did, sir, on several occasions; I put my signal stick out, and as soon as the officer came and asked me what I wanted, I told him I wanted to go to the closet as I was very bad. He would say, "I can't let you out." Then I would have to use my pot and leave it there until morning.

4490. Did you on any of these occasions say that

you wanted to see the doctor?—Yes, sir, on one occasion.

4491. What did he say?—He told me I couldn't see the doctor then, sir.

4492. What hour was that?—About a quarter past eight o'clock in the evening, sir.

4493. Was it after he had refused you permission to go to the closet that you told him you wanted to see the doctor?—No, sir.

4494. How then?—It was at a time that I had been lying down in bed, sir. I had been stripped, and he wanted me to get up, sir, for to give him my pint to put the gravel in; I told him I would be very thankful if he would be so kind as to lay it on the bucket, which was the table in the room, and he told me if I didn't get up he would soon find a way to make me.

4495. Do you know the name of that officer?—I do not, sir.

4496. How long ago is it?—Well, I daresay it is somewhere about a year and seven months, sir, to the best of my opinion.

4497. You say in your paper that the time allowed you for preparation was short. If we were to come here a few days hence, would you wish to have any additional time given you to make any further statement or to recollect yourself better?—Sir, with regard to the statement that I have made, I was in such a hurry about trying to get ready against Saturday, I thought it wasn't good enough to appear before gentlemen. I was very sorry for doing it the way that I did do it; that was the only thing that I meant, sir.

4498. Do you wish to amend it at all. If you had a few days more to think about it, do you think you would make any alteration in it or add anything?—No, sir; I think it will do as present.

4499. (*Dr. Greenhow.*) Has your food always been wholesome here?—The food, sir, is very wholesome; in regard of that shin-of-beef soup, sir, and the pudding, that is the only thing I couldn't use at all.

4500. You have never found the food not pleasant in any way?—I did, sir.

4501. What did you find?—I found the gruel on one occasion.

4502. What was the matter with it?—I found some vermin dirt in it, sir; mooses' dirt.

4503. When was that?—I think it was some time in the month of August.

4504. You never found it more than on one occasion?—No, sir.

4505. And you never found any other kind of impurity in your food, excepting that one time?—Well, I have not, sir.

4506. (*Chairman.*) Are you quite sure that it was vermin dirt?—Yes, sir, I am, for I showed it to Mr. Prescott, the principal warder.

4507. Is Mr. Prescott here now?—He is, sir.

4508. What did you say to him about it?—I told him it was fit for no man to use.

4509. What did he say?—That he had no more to do with it, only that I should send it in as a complaint.

4510. Did you send it in as a complaint?—I complained to Dr. Campbell, sir.

4511. How soon after you had found it?—A day or two after, sir.

4512. What did Dr. Campbell say?—And at the time that I did find it, sir, I couldn't use it afterwards; I had a disgust against it. I had no clean water to drink.

4513. What did you do with the gruel in which this was found?—I threw it away.

4514. You did not show it to anybody but Prescott?—I showed it to the warder that had charge of the ward.

4515. What is his name?—I don't know his name, but he is in this prison.

4516. Is he in the same ward now in which you then were?—He is not, sir.

4517. When you complained to Dr. Campbell, what did he say?—He asked me when did I come here. I told him I came here from Millbank on the 12th May. He said I was very soon beginning to complain, and that this was the wrong place for me.

4518. You told him the nature of the complaint?—I did, sir.

4519. Is that all that passed between you?—It is, sir.

4520. (*Dr. Lyons.*) Are you tired?—I am and I am not, sir.

4521. I have to ask you a good many questions. Do you wish to have your examination postponed?—I will answer, sir, as well as I can. [*The prisoner is allowed to sit, and is given wine, some of which he drinks.*]

4522. If you feel tired, and wish to have your examination postponed, we shall do so?—I will answer, sir, as well as I can.

4523. Did you get three days relaxation from duty to prepare your statement?—I did, sir. I think from the 16th, Thursday. Mr. Allison came to me and told me there were Commissioners coming here to inquire into the treatment of the Irish political prisoners, and there was three sheets of foolscap for me to make my statement, against Saturday, and they were sure to be here on Saturday. I made my statement as well as I could, sir.

4524. Mr. De Vere asked you whether you wished for any further time, to alter, amend, or add to your statement?—No, sir.

4525. Are you aware that you could, if you so choose, have any friend or legal adviser to see you, or to advise with you with regard to any statement you may desire to put before the Commission?—Well, sir, I thought if my friends would have something that would call.

4526. I ask you are you aware of it?—No, sir, I am not.

4527. You are not aware of it?—No, I am not aware of it, sir.

4528. (*Chairman.*) Have you seen a copy of an advertisement put by the Commissioners in the newspapers?—By the Commissioners in the newspapers?

4529. Has not a copy of it been given to you by the governor or some officer of the prison?—I got a copy, sir.

4530. Did you read it?—Yes, I did, sir.

4531. Did you not see in it that the Commissioners said the prisoner would have an opportunity of seeing any friend to assist him in preparing his statement?—I did, sir.

4532. You saw that statement?—I did, sir.

4533. The advertisement that you saw was not in the same words as this, but what I am going to read for you now is a statement of the facilities which the Commissioners have desired to give the prisoners for the purpose of making their statements before this Commission of inquiry. The substance of it is in the advertisement which you have seen. In the first place, the prisoners will have full opportunity of making an oral statement, that is, a statement by word of mouth, to the Commissioners, as regards their treatment, such statement to be made in a private room, in the absence of any prison officer and after a distinct intimation from the Commissioners, to which they will give full effect, that no statement so made, will in any way prejudicially affect the prisoner's future position and treatment. Secondly, the prisoners will have further full opportunity for making written statements, and for offering such oral explanations of them as they may desire. Writing materials will be provided for them, and three days intermission from labour allowed, if wished. Thirdly, the Commissioners will be prepared to receive any statement in writing from any friend of the prisoner, or any person acting on his behalf, and to take the oral evidence of any witness, including, if desired, any released prisoner, which may appear relevant to the general treatment of treason-felony convicts. Fourthly, the Commissioners have recommended to

the Secretary of State, that access to any prisoner at a reasonable hour and for a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to friends of such prisoner, under such regulations and conditions as the Government may think necessary. Then it states that the evidence shall be taken down by a short-hand writer, and that the report and evidence will be made public. Has the substance of that statement been made known to you?—Well, it has, sir, part of it.

4534. What part has been made known to you. Has that part which stated that facilities would be given to you to see any friend to assist you in preparing your statement?—Yes, sir.

4535. Has it been made known to you that the evidence will be made public?—Yes, sir.

4536. In fact, you had three days intermission from labour, in order to enable you to prepare your statement. You were alone in the cell three days, in order to enable you to prepare your statement?—I was alone, sir, for six days.

4537. Six days?—I think it was, sir.

4538. Are you sure?—I forget now, indeed.

4539. (*Mr. Brodick.*) What was the first day; was it Thursday?—Thursday, sir.

4540. (*Chairman.*) Did you remain after Saturday in your cell?—I think it was on, I am not sure whether it was on Tuesday we came out, sir.

4541. I think you said just now that you have no desire to have any friend come to assist you to prepare this statement?—Well, I have no friend, sir, to come.

4542. (*Dr. Lyons.*) Now that you have heard those conditions read, is there any friend or legal adviser that you wish to consult before making any further statement or amending your statement?—I have got no friend, sir, to advise me; without this alone, that there might a friend come to my fellow-prisoners, that would speak in my behalf.

4543. Are there any persons that you wish to summon to prove any statement that you have made, or that you are about to make?—No, sir.

4544. Am I to understand that there are no witnesses that you wish to produce to corroborate any statement that you have made or that you are about to make?—I have got no witnesses, sir.

4545. You have made objection to the food on several occasions?—Yes, sir.

4546. Can you state how often you made objection to the food?—Well, I could not, sir; on several occasions.

4547. Could you say how many times, did you object three times?—Thirty or forty times, sir.

4548. Have you objected to the food for various reasons on 30 or 40 different occasions?—I have, sir.

4549. When you objected to the food what was done?—Nothing was done, sir, but take it back again and carry it to the cook-house.

4550. Did you get any other food in place of it?—No, sir, I did not.

4551. When you rejected your food had you to go without food at that time?—I had, sir.

4552. Are you sure and distinct about that?—I am, sir.

4553. Did you ever object to your dinner?—I did, sir, on the 30th of last March.

4554. On the 30th of March in this year?—Yes, sir; I had cheese for my dinner, and I objected to the cheese, because it wasn't fit for no man to eat.

4555. What was the matter with it?—It had a bad smell.

4556. Was it mouldy?—It was worse than mouldy, it was beyond use, it was stinking. I took it to the chief warder, Mr. Allison, and my friend, Mr. Murphy, and we told him we could not use it. He tasted it, and said it was very strong; some people would like strong cheese; but what would suit some wouldn't suit everybody. He told the principal warder to take it to the cook-house to get it exchanged; he took it to the cook-house.

4557. Did you go with him?—I did, sir; the

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master cook said there was no more cheese; so we got nothing, but bread and water that day.

4558. Was that on Sunday the 30th March?—Yes, sir.

4559. On that day did you get nothing for your dinner but bread and water?—Nothing, sir.

4560. You observed you saw mice dirt in the gruel?—I did, sir.

4561. Did you observe that on only one occasion?—No, sir; but I saw it with prisoners on two or three occasions, but not in my own gruel.

4562. Can you name the other prisoners in whose gruel you saw it?—Thomas Bryson, sir.

4563. And who else?—That is the only man, sir.

4564. Did you ever see mice, or parts of mice, in any portion of the diet of this prison?—I did not, sir.

4565. Have you heard of anyone having found mice, or parts of mice, in the diet?—No, sir, not in this prison.

4566. What objection had you to the skin of beef?—I couldn't use it, sir.

4567. Why could you not use it?—There was an awful smell from it, sir.

4568. What kind of a smell was it?—I couldn't describe it, sir.

4569. Did it smell as if the meat was too long kept?—No, sir; but as if it wasn't fit to eat, and it didn't look like skin of beef at all, sir; I don't know what it looked like.

4570. I am asking you about the smell; what sort of smell had it; was it the smell of bad meat, or of meat that was too far gone?—I couldn't describe the smell, sir; I couldn't.

4571. Do you think it was from the meat being bad, the bones being bad?—It wasn't from being bad, but having different qualities; every sort of meat stuck together.

4572. What do you mean by "every sort of meat stuck together"?—Every sort of shins-of-beef, sir.

4573. What punishment have you undergone in this or any other prison?—I have undergone no punishment, sir.

4574. Have you not been in a punishment cell?—Only in a punishment cell, sir, on two occasions.

4575. Each for 24 hours?—Each for 24 hours, sir.

4576. (Chairman.) Those are the occasions that you have spoken of to us?—Yes, sir.

4577. (Dr. Lyons.) On those two occasions, are you certain that you were put into a cell for 24 hours by the chief warder without the governor's directing it?—I was, sir; without the governor directing it.

4578. You stated that you were ordered to get up from your bed by a warder, when you were sick; is that so?—That was in Millbank prison, sir.

4579. What were you complaining of then?—I was complaining of pain in the head and across my breast, and trembling all over my body.

4580. Are you sure that the doctor directed you to go to bed?—No, sir; the doctor didn't know I was in bed. The officer that had charge of me during the day, he told me to go to bed, and he would be responsible for my going to bed.

4581. The warder?—Yes, sir.

4582. Do you know who that warder was?—I do not, sir; I don't know any of their names.

4583. Did the doctor see you that day?—No, sir, he did not; that was the night I applied to see him, and was told I wouldn't see him.

4584. The warder came round and told you to get up out of bed?—Yes, sir.

4585. Who was that warder, sir?—I don't know, sir.

4586. Was he a different man from the other?—He was a different man, sir.

4587. Would you know the warder if you saw him?—I would, sir, I think.

4588. Did you see him afterwards?—Yes, sir, I did.

4589. Did you see the doctor the next morning?—

I did, sir, but I never mentioned about it to the doctor, sir.

4590. Why did you not mention it to the doctor? Because I didn't think it was worth while, sir, saying anything about it to the doctor.

4591. What did the doctor say to you when he saw you the next day?—I stated as well as I could how I was suffering, and he told me I wanted to see Thomas Johnson.

4592. Had you any idea of what he meant by that? I had not, sir, if he didn't mean the watercloset; that is the only idea I made out for it myself after.

4593. That he meant the watercloset?—I don't know what he meant, sir, but he expressed the words.

4594. You thought he meant the watercloset?—I did, sir.

4595. Do you think now that that was what he meant?—I do, sir.

4596. Had you any friend of the name in or out of the prison?—I had not, sir.

4597. Were you sick on that day that you saw the doctor?—I was, sir.

4598. Did he keep you in bed?—No, sir, he did not.

4599. Did you go to work on that day?—I went to work in the afternoon. I got out of bed and went to work.

4600. Did you eat your meals that day?—Part or them, sir.

4601. You mentioned in your statement something about being blockaded; what do you mean by being blockaded?—Political prisoners had an extra lock on their cells every night, sir.

4602. An extra lock on their cell?—Yes, sir. There was the gate and that was locked by the prison keys, and then there was a padlock above in the door.

4603. You have stated in this written paper that you were warned by some warder that you might be haunted by the officers; what does that refer to exactly?—Haunted, sir.

4604. What do you refer to in this sentence of your written statement:—"There are several officers in this prison who will haunt a prisoner, and put questions to him in order that he might commit himself and get punishment; this I know to be a fact."—Well, sir, several times when I have been out exercising in the yards, an officer comes up and tells me, "Go exercise with such a man." Well, I decline, and tell him "No, I rather walk with myself;" and then he puts several questions to me in order that I may perhaps give him a easy answer, and in case I did give a easy answer I was ready for a punishment cell.

4605. But how do you know that he put these questions to you in order that you might give him a easy answer?—Well, I know, sir, that they did it to others in order to gain credit to themselves.

4606. How would they gain credit by it?—Because the more reports they make they get credit the greater, and the more regred the governor has for them.

4607. How do you know that?—Well, I have been told it, sir.

4608. You say that you know this to be a fact. Is there any other way that you know it, except in the way that you say?—Well, an officer told me himself, sir, that once an officer is down on a prisoner, during the whole time he is in prison after every other officer is down on him.

4609. An officer told you that?—Yes, an officer that told me to mind myself to keep off annoyance.

4610. Was he an officer of this prison?—Yes, sir.

4611. Can you give his name?—No, sir, I cannot.

4612. Why can you not tell his name?—Because he is discharged, sir, now.

4613. But you know his name?—No, sir, I don't know his name.

4614. I do not want to force you to give it if you know it?—I don't know his name, sir, I won't tell a lie.

4615. Tell the Commission distinctly what he told you?—He told me for to—be told me that once a prisoner gets into trouble here, or does anything against an officer, then all the officers of the prison are

down on him afterwards, while he is in the prison; and for me to take care of myself and keep out of trouble. This a warden has told me.

4616. Have you acted on that caution?—I have, sir, as well as I possibly could.

4617. Did he tell that to others?—I could not say, sir.

4618. But he told it to you personally?—He told it to me personally.

4619. Has it occurred more than once that you were obliged to work on Sunday mornings and holiday mornings before going to the blessed sacrament?—It occurred every Sunday, sir.

4620. But you do not go to receive the blessed sacrament every Sunday?—No, sir; that was at the time I was in Millbank.

4621. What I ask you is, has it occurred more than once that you were obliged to work before going to the blessed sacrament on Sunday morning?—Only once, sir, I asked the officer not to ask me to work.

4622. Did you tell the officer distinctly that on that morning you were going to approach the blessed sacrament?—He told me it would be much better for me to work; that I would have an opportunity of going into the cell if I didn't.

4623. Do you know who that officer was?—I don't know, sir.

4624. Could you identify him in any way?—I could remember him if I saw him.

4625. Are you subject to diarrhoea?—I am, sir; and I am suffering from it now.

4626. From diarrhoea?—Yes, sir.

4627. Were you subject to diarrhoea before you became a prisoner?—I was not, sir.

4628. Take another drink. [The prisoner drinks.] Have you been often subject to diarrhoea since you became a prisoner?—I am subject to it since, I think, it is last March.

4629. March of this year?—March of this year, sir.

4630. Were you subject to it before then?—I was, sir, in Millbank on several occasions, but I blamed the shin-of-beef soup for it at the time.

4631. Was it after those occasions on which you noticed the shin-of-beef soup objectionable in smell, that you suffered from diarrhoea?—Oh no, sir; I objected against it, sir, before I suffered from the diarrhoea.

4632. You have stated that you were disposed to attribute the diarrhoea to the shin-of-beef soup. I want to know did you observe that you were attacked with diarrhoea on any occasion, on a day after, or subsequent to the time when you took the shin-of-beef soup and remarked its being objectionable in smell?—Oh no, sir, I didn't.

4633. Then how do you connect the diarrhoea with the shin-of-beef soup?—I only imagine so, sir.

4634. You have stated in this written paper that you were made to associate with thieves and men guilty of unnatural offences?—Yes, sir.

4635. How do you know that the men were thieves?—Because by their conversation, sir, and by examining with them and walking alongside of them, and hearing them talking and explaining to one another what they did and what sort of crimes they did, and all to this.

4636. In that way you know that they were thieves?—Yes, sir, they acknowledged themselves.

4637. You have used another word of very grave import. Do you know the meaning of unnatural offences?—I do, sir.

4638-40. You are positive that you do so?—I am, sir.

4641. How do you know, and why do you charge, that any of the men that you were associated with were guilty of this crime?—Because they were convicted of it, sir.

4642. How do you know they were convicted of it?—By their own acknowledgment, sir.

4643. Do you state to me, that you know as a

positive fact, from hearing the men admit it, that any men you have been associated with were so guilty?—Yes, sir, I do; and it is one of the greatest words that they have got in their mouths—in of sodomy.

4644. That may be, but I want you particularly to pay attention to this question. Do you know, as a matter of fact, from yourself hearing admissions made by any prisoners here, that any one of them was guilty of that crime?—Well, I do, sir, I heard them conversing on it.

4645. Have you heard any man admit that he was guilty of that crime?—I have, sir.

4646. You have?—Yes, sir, I have, at that time that I was working in the female building.

4647. Do you allege that positively?—I do, sir.

4648. Are you prepared to stand by that statement?—I am, sir.

4649. Have you known that in reference to more than one man?—I have, sir; two men.

4650. To two men?—Two men, sir.

4651. Is it known to other prisoners, as far as you are aware, that those men admitted their being guilty of this crime?—Well, I can't say, sir.

4652. Was it openly talked of?—No, sir, it was not.

4653. How did you happen to hear it?—I was filling a wheel-barrow at the time, sir, and I happened to hear the conversation between them; they were talking about what they did.

4654. Are you quite sure that you heard them correctly and understood them correctly?—I heard them correctly, sir.

4655. (Mr. Brodribb.) You are quite sure that they not only spoke of it, but even spoke of having committed it?—Yes, sir, spoke of having committed it.

4656. (Dr. Lyons.) That they had committed it?—Yes, sir; one man saying he did so-and-so, and the other saying he did so-and-so.

4657. Had you been associated with them?—I have been associated with them, sir, on the public work.

4658. Do you mean that you were working in the same party or gang?—Working in the same party, sir.

4659. Had you been working near them?—I have been wheeling barrows with them and rolling carts with them, and walking in and out with them from this to the female prison, back and forward, no more.

4660. There are some erasures in this written statement of yours which I will point out to you, and will you state to the Commission what are the exact parts that you have erased, pointing out the word before the erasure and the word after it. [Hands witness a paper.] Did you scratch that out yourself?—I did, sir, because I heard a conversation with one of those men, and I charged them for the nasty filthy talk that passed between them.

4661. (Chairman.) That was scratched out by you?—Yes, sir.

4662. (Dr. Lyons.) You admit that you made those erasures that I now show you?—Yes, sir.

4663. On page 8?—Yes, sir; I scratched them out myself.

4664. Lines 5 and 4 from the bottom; you admit those erasures to have been made by yourself?—Yes, sir; I thought, sir, that the words might be too offensive.

4665. (Chairman.) At the top of page 6 were those words scratched out by you (the page is shown to the prisoner)?—Yes, sir.

4666. On page 3 was that erasure made by you (exhibiting it)?—Yes, sir; it was.

4667. On page 13, was that erasure made by you (exhibiting it)?—Yes, sir; it was.

4668. We only want to have it appear that we did not tamper with it.

4669. (Dr. Lyons.) Has it often happened that you have been obliged to use a pen or potin, your tool when

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F. Ryan.

you could not go to the watercloset after 4 o'clock in the evening?—This was in Millbank, sir.

4670. Yes?—Well, it happened to me on three occasions.

4671. Were those occasions on which you were obliged by the necessities of nature to use the chamber pot so?—They were, sir.

4672. Did you on those occasions ask the warder to permit you to go to the watercloset?—I did, sir.

4673. Were you punished in any way, or were you reported for using the pot on those occasions?—I was not, sir.

4674. Were you reported for using it?—I was not, sir; I was told to use it though.

The prisoner withdrew.

E. Power.

ERWINE POWER, prisoner, examined.

4680. (Chairman.) We are a Commission appointed by the Government, but at the same time entirely independent of the Government, for the purpose of making such inquiries as we think necessary into the treatment of the treason-felony prisoners in this and other English prisons. The Commissioners are, Mr. De Vere, Dr. Lyons, Dr. Grosvenor, Mr. Brodick, and myself, Lord Devon. Before I ask you what statements you have to make to us, I will read to you the conditions as to the facilities which exist in each case by the Commissioners' desire:—

"The prisoners will have full opportunity for making an oral statement to the Commissioners as regards their treatment, such statement to be made in a private room, in the absence of any prison officer, and after a distinct intimation from the Commissioners, to which they will give full effect, that no statement so made will in any way prejudicially affect the prisoner's future position and treatment. They will have further a full opportunity for making written statements, and for offering such oral explanations of those statements as they may desire. Writing materials will be provided for them, and three days' intermission from labour allowed if wished. The Commissioners will be prepared to receive any statement in writing from any friend of the prisoner or any person acting on his behalf, and to take the oral evidence of any witness, including, if desired, any released prisoner, which may appear to be relevant to the general treatment of treason-felony convicts. The Commissioners have recommended to the Secretary of State that access to any prisoner at a reasonable hour, and for a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to the friends of such prisoner, under such regulations and conditions as the Government may think necessary. Application in such case should be made to the Home Office. The evidence will be taken down by a shorthand writer. The report and evidence will be made public." You have been made aware of the substance of what I have now read to you?—I understand the substance, but I would rather if I could, have a copy.

4681. Some copies are in preparation?—The last document you are after reading, my lord, saying, "Under such regulations as the Secretary of State may determine on," I do not understand.

4682. Any regulations that the Secretary of State thinks necessary will be made. I have every reason to believe that those regulations will interpose no reasonable difficulty in the way of any friend seeing you?—I think it would be quite useless seeing our friends, unless we could see them in private.

4683. You will have the opportunity of seeing them in private. You mean not in the presence of any prison officer?—No one present except the friend of the prisoner.

4684. That will be allowed. Do you fully understand those conditions?—Yes; that explains a good deal of this document that we have been furnished with first. I do not suppose there is any need of my

4675. You are sure that there is nothing further you wish to state?—I wish to be examined by the doctor before the Commission is closed, sir.

4676. (Chairman.) Which doctor, Dr. Campbell?—No, sir; but the doctors of the Commission.

4677. (Dr. Lyons.) By the medical men who are on the Commission?—Yes, sir.

4678. (Chairman.) We shall be here next week, and if you wish to say anything further you will have an opportunity of doing so.

4679. (Dr. Lyons.) You may as well drink the remainder of that.

The prisoner withdrew.

going over the same course as Mr. Mulcahy and Mr. Bourke pursued.

4685. (Dr. Lyons.) You had better not for yourself?—This first document I was supplied with states that the subjects upon which the Commissioners appointed to inquire into the treatment of treason-felony convicts will permit such prisoners to address them are, first, treatment, diet, discipline, or disregard of the conditions necessary for health; second, exceptional treatment, or subjection to any hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude. Well, I am afraid that the second will neutralise to a great extent the first. You cannot enter into the first if you carry out the second. Besides what is incidental to the condition of a prisoner undergoing a sentence of penal servitude, I think, is a very fair matter for inquiry. I will read my objections, but it is reading over the same thing as what you heard yesterday. Mr. Bourke and Mr. Mulcahy read the same.

4686. How do you know that it is the same?—I know it is the same, because we have agreed on this course.

4687. (Chairman.) Then that paper is a statement of what is considered by them incidental to the condition of persons suffering penal servitude?—Yes, my lord. I will hand it in. There are some conditions also which I consider necessary to an impartial inquiry. I wish to ask, will you admit the representatives of the press?

4688. No?—Might I take down the answer?

4689. I have no objection (Prisoner is supplied with a pen and ink)?—Will you publish our statements in full with your report, as an appendix to the report?

4690. We shall publish the statements if they are part of the evidence, as an appendix to the report. We reserve to ourselves the power of excluding any part of those statements that might have no reference to the inquiry; for instance, if your statement contained any marked political statements, we should not feel bound to publish them?—I do not quite understand what is meant by "political statements," my lord. Does it mean the state of Ireland at present?

4691. Anything in the nature of a political comment we shall not publish. Anything that bears on your own condition or treatment here, however remote, we shall publish?—Will the Commissioners let us have copies of memorials and extracts from the prison books, mentioned by me?

4692. Is that a letter sent in?—It is from me, my lord.

4693. You first ask for memorial regarding your health forwarded by you from this prison to the Secretary of State with the medical certificate accompanying it; reports made by the medical officers to each other on your removal from one prison to another, including that from Meanyor to Millbank. There can be no objection to any of those. I do not know how we can get Mountjoy?—I think it is essential, for I want to show that when I came to England I was in good health.

R. Penn.
30 June 1872.

4594. You shall have it, if we can, if it is a public document. "All case-sheets containing medical history of your illness in Portland, Millbank, and Woking." That we will be prepared to give. We will be prepared to procure, if we can, a sufficiently detailed account of your illness in those three prisons, and the mode of treatment?—I would like, if you cannot furnish the original case-sheets, I would like to have an exact copy, for I have no guarantee that a right copy will be furnished of some of the case-sheets: they can very easily be altered.

4595. We shall do our best to get all the reports which give an accurate history of your illness. Supposing the case-sheets contain any private notes made by the doctor, we cannot undertake to produce them?—Do you mean the symptoms during the case.

4596. All that we can say will be, that we will procure for you copies of all extracts and statements which are material to the medical history of your illness. That is all we can say?—I do not quite understand that, because the doctors then may only furnish what they like.

4597. If there be—which I do not anticipate—a case in which we shall not think it right to furnish you with everything you ask for, we shall have it before us, and we shall see that the extracts given to you, if they are extracts, are fairly put before you. You may include that as my responsibility?—I shall say "partly" (writing). Will the Commissioners allow me to have the advice and assistance of Isaac Butt, Esquire, Queen's Counsel, in preparing my statement, and watching the proceedings of the Commissioners on my behalf.

(The prisoner retired, and after the Commission had deliberated, was re-called.)

4598. (Chairman.) The next thing you asked for is, "The rule of the Home Office relative to the release of invalid convicts." We have no power to give you that?—Well, I think that is essential, because I want to show that we have been treated exceptionally. If the rule of the Home Office is that prisoners in a certain state of health should be released, I want to show that that has not been carried out to us. The Secretary of State said he was obliged to release Sir Culling Eardley, on medical grounds, as his health was becoming impaired. I want to show that that was not applied to us.

4599. Such an application as that should be made to the Home Office?—Would you recommend it, my lord?

4600. You can make application to the Home Office, stating that you think it material to your statement. The next is, "All suppressed letters written by me in Millbank, Portland, and Woking, with the cause of their suppression, and any other remarks appended." The Commission has decided in another case, that we will examine all these suppressed letters, and that copies of all such parts as it is right you should have, will be given to you?—Only parts of the letters?

4601. We must exercise our discretion as to that. Any letters written by you, if they are within our power, you shall have copies of?—Thank you, my lord.

4602. "Abstracts from the prison books of Millbank, Portland, and Woking, relating to you." Do you mean by that, reports against you?—I mean anything at all in the books relating to me; reports against me, or any I may have made against the officials. I do not mean this prison alone: I mean Portland and Millbank as well.

4603. Yes; we will see to have those procured for you. Do I understand that you wish to have those supplied to you before you make any statement?—Most certainly, my lord.

4604. We shall confer with the governor about

this, and we shall be here again next Wednesday?—Will the Commissioners allow me to have the advice and assistance of Isaac Butt, Esquire, Queen's Counsel, in preparing my statement, and in watching the proceedings of the Commissioners in my behalf?

4605. No; we cannot allow anybody to be present at the examination; but we have recommended that any friend of a prisoner, or any person on his behalf, shall be permitted to assist the prisoner in preparing his statement; and, of course, that includes Mr. Butt or any other gentleman who might come?—I forwarded a letter to Mr. Butt the other day, and I have had no answer. I do not know if it is gone.

4606. The governor assured us that the letters were forwarded immediately?—That is very singular, because I told Mr. Butt to forward a telegram saying if he would come or not, and we have all done the same thing.

4607. (Dr. Lyons.) It is very likely that Mr. Butt was on circuit?—Will the Commissioners guarantee that if our statements be placed in the hands of the authorities or friends of the officials, or abstracts of them, in order that they might reply to them, that copies of their statements and abstracts of their verbal evidence against us will be placed in our hands, and will be allowed to rebut such charges as any of the prison officials may strive to controvert or deny?

4608. All I can say is, that we will pursue that course which we deem most conducive to justice?—Will we be allowed to examine the prison officials?

4609. Not directly. We may permit you to put questions through the Commission, but not otherwise?—Will we be permitted to be present when they are giving their evidence?

4610. That is not decided.

4611. (Dr. Lyons.) But you are clearly to understand that all the charges you may have to make you can state, and the Commissioners will most fully inquire into them?—I understand; but I think if I were allowed to ask, supporting the medical officer, some questions, I could show that the course pursued towards me was not conducive to my health.

4612. (Chairman.) We will take the course which is calculated to bring out the whole truth; and if we consider them important to be put on your behalf, we will permit them to be put through the Commission?—Will you furnish us with copies of the report when published?

4613. The report passes out of our hands into the hands of the Government. They can do what they wish with it?—Will it be examined by the medical gentlemen of the Commission?

4614. (Dr. Lyons.) Do you wish to be examined by them?—Oh yes. I do not think the Commission would be any use without that.

4615. Then make a formal application?—I would not go on with the Commission otherwise. You say you will publish our statements, my lord; have you any idea when?

4616. (Chairman.) Not the least idea?—Because it may be an indefinite period.

4617. As soon as we publish our statement your evidence will be published; but when the Commission will terminate we cannot tell you.

4618. (Dr. Lyons.) That depends a good deal on yourselves?—I have no more to say then.

4619. Have you any witnesses that you wish to call, as permission is granted by a rule established by the Commission, to corroborate any statement you might wish to make?—The Commission won't grant these who are able to corroborate my statements, that is some of the prisoners at present in Portland and Chatham.

4620. You can answer the question categorically. Have you any persons that you desire to call to give evidence?—I have, sir.

4621. Will you name them?—Mr. O'Leary, Mr. Luby.

E. Pinner.

4722. *(Chairman.)* They are at present in other prisons.—They are in Portland.

4723. Who else?—Mr. St. Clair, Mr. George Brown, Mr. Mackay; I think that will be sufficient in Portland. In Chatham there is Mr. Deane.

4724. *(Dr. Lyons.)* Is there anyone else in Chatham?—No. Outside there is Mr. Stack, Mr. William Moore Stack, in Dublin, Mr. Terence Burns, a released prisoner, and Mr. James O'Brien, of Cork, also a released prisoner.

4725. Are there any others?—No; no others.

4726. *(Chairman.)* Where does Byrne live?—In Dublin.

4727. Stack and Byrne live in Dublin?—Yes, my lord.

4728. *(Dr. Lyons.)* Do you know their addresses?—No, but I can easily find out. Mr. Mulesky knows their addresses.

4729. *(Chairman.)* With regard to the first six that you have named, they are in other prisons, and by a decision of the Secretary of State you cannot call them?—I wish to hand in at all events that I want them.

4730. *(Dr. Lyons.)* Whatever you state that you think can be proved by any of those persons in other prisons, we will be prepared to make close inquiry into at those prisons?—Very well.

4731. *(Chairman.)* Anything you say with regard to which they may speak we shall ask them when we go there?—About the other persons I have mentioned outside?

4732. We are perfectly ready to hear them on Wednesday and Thursday, and Friday next?—Who will bear the expense of bringing them?

4733. We have no means by which we can bring anyone?—You might as well not grant it at all then. Some of these are men that could not afford to come across from Ireland at their own expense.

4734. All we can say is that we are ready to receive evidence from these persons or any of them that may be present.

4735. *(Dr. Lyons.)* You had better state fully to us all the persons you wish to give evidence in your behalf?—Well, I have named them.

4736. Are there any others?—No; no others of importance.

4737. You can make a statement in writing or
The prisoner withdrew.

orally to what you think those or any other prisoners can state in your behalf, and the Commission will make close inquiry when they go to those prisons from those prisoners?—There is one important thing about the medical case-books. I think it is necessary that I should have an entire copy of the original case-books. It is the very—

4738. What?—It is the very remarks made by the medical officer that I want.

4739. What remarks?—The remarks made every day going around the infirmary.

4740. What kind of remarks?—How I was on the previous day, and how I was when I was admitted, and what I suffered from, and what the medical men found when they examined me.

4741. *(Chairman.)* We will put you in possession of everything material to the history of your case. You might rest satisfied with that. I have mentioned to you that we have recommended the Secretary of State that facilities should be given for permitting interviews between you and any friend whose assistance you may wish, to aid you in preparing your statement; that the power does not rest with us, but that we have recommended the Secretary of State to allow it, and that those interviews should be private. We hope and believe that the Secretary of State will give the permission. We have no power to do so. We have recommended it. So the matter stands?—You will furnish copies of what you have read.

4742. We will.

4743. *(Mr. De Vere.)* You are in hospital?—Yes.

4744. What are you suffering from?—That is a question of some difficulty, for my heart and lungs.

4745. *(Chairman.)* We have recommended Captain Harris to give every opportunity for your seeing anybody; also for writing to your friends, even though you should wish to write more frequently than the prison rules permit, for the purpose of inviting friends to come?—Will our letters pass out unopened?

4746. Oh no; the latter must be laid aside for them to see you here?—I must be able to tell them how much the Commissioners will allow, or there would be no use in inviting them to come.

4747. You can tell them all that we have intimated to you now.

WILLIAM F. ROANETTER, prisoner, examined.

4748. *(Chairman.)* I will first explain to you that we are a Commission appointed by the Government to inquire into the treatment of the treason-felony prisoners confined in this and other English prisons, and to receive any complaints which you may wish to make and to inquire into them. The Commissioners are, Mr. De Vere, Dr. Lyons, Dr. Greenhow, Mr. Brodick, and myself, Lord Devon. I will explain to you further by reading an extract from a letter which states the facilities that are intended to be given to prisoners in order that they may be able to make such statements to the Commission as they wish:—"First, the prisoners will have full opportunity for making an oral statement to the Commissioners as regards their treatment, such statement to be made in a private room in the absence of any prison officer, and after a distinct intimation from the Commissioners, to which they will give full effect, that no statement so made will in any way prejudicially affect the prisoners' position and treatment. Second, they will further have full opportunity for making written statements, and for offering such oral explanations of them as they may desire. Writing materials will be provided for them, and three days' intermission from labour allowed if wished. Third, the Commissioners will be prepared to receive any statement in writing from any friend of the prisoner or any person acting on his behalf, and to take

"the oral evidence of any witness, including, if desired, any released prisoner, which may appear to be relevant to the general treatment of treason-felony convicts. Fourth, the Commissioners have recommended to the Secretary of State that access to any prisoner at a reasonable hour and for a reasonable time, for the purpose of assisting them in the preparation of their statements, should be allowed to friends of such prisoners, under such regulations and conditions as the Government may think necessary. Application in such case should be made to the Home Office. Fifth, the evidence will be taken down by a shorthand writer. Sixth, the report and evidence will be made public." Having given you that explanation, I am now to ask you whether you have had the facilities for making out your statement?—I have not had the necessary documents, sir. I applied for them last week, and did not get them yet.

4749. To whom did you apply?—To the deputy governor. Here is a copy of a letter that I sent in this morning. With your permission I will read it.

4750. Is it an application stating the documents you require?—Yes, I did not get any answer at all, sir, in the matter. *(Prisoner hands to the document.)*

4751. Are those documents which you wish to have before making any statement?—Before I can possibly make a statement.

W.F. Roanetter.

4752. Independent of these, have you had an opportunity of writing your statements?—Every other opportunity.

4753. This is a copy of a letter you addressed to Captain Harris?—It is merely a copy.

4754. It is a letter addressed to Captain Harris, and dated, "Woking Invalid Prison, 30th June 1870," and in it you say, that you have applied to be furnished with "the dates of your admissions to and discharges from the infirmary in Woking, and by whom admitted and discharged; statements to the Secretary of State or Board of Directors." You mean statements by you?—Yes.

4755. "The number and dates of letters I wrote in Portland and Woking; the suppressed letters at either prison, and why suppressed; caption sheet; copies of reports; medical notes of the doctors in Penroseville, Portland, and Woking." We probably shall be able to provide you with copies of all those, and with the suppressed letters?—I prefer the originals to copies.

4756. The originals of the suppressed letters?—The originals of memorials and suppressed letters.

4757. Yes; I suppose they can be got. The caption sheet we do not intend to supply. Of the reports of punishment awarded in Portland and Woking, copies will be supplied to you. Copies of the medical notes of the doctors in Penroseville, Portland, and Woking will be supplied to you, so far as they have any bearing on the medical history of your case. The caption sheet will be in our possession, but we do not feel justified in supplying it to you. We shall have it before us at the time of your examination?—If I got the other documents, I think I can do without the caption sheet.

4758. We will take care that the other documents are supplied to you as early as we can. With that understanding do you wish to postpone your examination?—Yes.

4759. Do you wish to say anything to us now?—I wish to know, is any statement I may furnish to be published?

The prisoner withdrew.

CAPTAIN HARRIS recalled.

Capt. Harris.

4760. (Chairman.) We have had applications from the prisoners Recreance and Power for copies in each case of various documents which you will kindly take a note of and you will say if you see any difficulty in supplying them. Power applies for a memorial regarding his health, forwarded by him to the Secretary of State?—There is no difficulty about that.

4770. All certificates as reference to his health forwarded by the medical officers of Millbank, Portland, and Woking, and reports made by the medical officers to each other on his removal from one prison to another?—That appears to me to be somewhat unusual; private reports made from one governor to another, or from one medical officer to another.

4771. Are those of a private character?—Of course they are "on the public service," but strictly private notes. I do not know that they may not be made use of.

4772. (Dr. Greenhow.) Every prisoner that comes to Woking brings with him a certificate from the surgeon of the prison from whence he came. Is not that certificate a public document?—"Any notes," I understood to be asked for.

4773. (Chairman.) All certificates; "all the reports made by the medical officers to each other on any removal from one prison to another." I do not see why that should not be given?—I do not know.

4774. "All case sheets containing the medical

4760. It will be published in the Appendix to my Report?—In the public press?

4761. That I cannot tell you. The report will be made to the Government, and we shall recommend that the report and statement of evidence shall be published. It will rest with the Secretary of State to publish it?—A full report?

4762. We shall issue a full report of the evidence. With regard to the full publication of your statement, it is right that I should explain to you that every thing in your statement we shall be prepared to recommend shall be published in the evidence that bears in any way on your treatment in prison, but we shall not be prepared to recommend the publication, should you insert there in that statement. I do not suppose you will of any observations of an excessive character or bearing on political subjects?—I could not possibly expect you would.

4763. Do you wish to make any statement now?—No.

4764. (Dr. Lyons.) Have you any witnesses that you desire to call to corroborate any of the statements you may make?—Except the officials, I may find it necessary to call some of them of this prison, and the other prisons I have been in.

4765. (Chairman.) If you wish to call officials of other prisons, you must give notice, as it may take some time to have them come?—I cannot now.

4766. (Dr. Lyons.) Can you state now the names of any that you wish to corroborate any statement you have to make?—I cannot now.

4767. (Chairman.) If you communicate the names to Captain Harris, we will desire him to send those names to London, to require their attendance. Otherwise time would be lost if you wait until we come next week?—I know it is customary to publish the statement, and leave it to the discretion of members of Parliament. I know it is so in other countries, and that each member of Parliament is privileged to circulate it to the press. He asks them to publish it, if they wish to publish it.

4768. We have little doubt that they will make it public. It rests with the Secretary of State to say if they will make it public.

"history of my illness in Portland, Millbank, and Woking." I said we should endeavour to procure for him all such portions as are essential to give a full history of his illness?—Yes.

4775. Fourth, the rule of the Home Office relative to the release of invalid convicts. I told him he should apply to the Home Office?—Just so.

4776. Fifth, all suppressed letters, with the cause of their suppression, and any other remarks thereon. There is no difficulty?—No.

4777. "Abstracts from prison books relating to me;" that is, reports against him, and applications made by him, with the results?—No difficulty there.

4778. (Dr. Greenhow.) Is there any difficulty about getting them from Millbank?—I can apply to Millbank in the same way as I apply to Portland to-day.

4779. (Dr. Lyons.) I asked you, Captain Harris, for a certificate of the presence in the prison of the convict Richard Burke, within certain dates. Are you prepared to hand in such certificate?—I hand in a certificate. (Hands it in.)

4780. This certificate covers his appearance here from the 10th December 1868, to the 28th March 1870, and from the 21st May 1870, to the 30th June 1870?—Exactly so.

4781. You have also conveyed him from this prison to Millbank?—I did. I handed him over to the governor of that prison.

The witness remained.

Dr. Campbell.

20 June 1870.

Dr. CAMPBELL recalled.

4782. (Chairman.) Dr. Campbell, Edward Power has applied for certain papers, which Captain Harris will be kind enough to procure. He has also applied for all certificates in reference to his health forwarded by the medical officer of Millbank, Portland, and Woking prisons to the Secretary of State, board of directors, and governors of prisons, and all reports made by the medical officers to each other on his removal from one prison to another. Do you from your knowledge believe that the reports which are sent from one prison to another would probably be of

a nature to be safely produced?—I can show the certificates that I have sent, my lord, and the reports I have received.

4783. Have you any reason to doubt that the reports made on the transmission of a convict from one prison to another, independently of these, would be of a similar description?—They may vary a little, my lord; but I do not think they are proper documents to be given to him. I may get my certificates, and perhaps you will be able to judge.

Captain Harris withdrew.

4784. (Dr. Lyons.) Dr. Campbell, I asked you to be good enough to hand in an exact copy of the case sheet of Richard Burke?—Yes, sir; this is it. (Hands it in.)

4785. You hand this in as a complete copy of the case sheet of Richard Burke?—Yes.

4786. I also asked you to be good enough to hand in copies of your letters to the directors in regard to the state of health of Richard Burke, and asking for

additional medical advice in reference to his case?—Yes, sir; this is it.

4787. I also asked you to be good enough to furnish to the Commission a return of the food rejected and returned by him, with the dates of such rejections?—Yes; it is taken from the returned food book. (Hands it in.)

4788. This is an exact copy from the returned food book?—From the returned food book.

The witness withdrew.

The Commission adjourned at half-past six p.m.

3, Parliament Street, Friday, 1st July 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
S. E. DE VERE, Esq.Dr. LYONS.
Dr. GREENSTOWN.

W. SPENCER OLLIVANT, Esq., Secretary.

Capt. De Cane.

Captain DU CANE recalled.

4789. (Chairman.) Captain De Cane, applications have been made to us by several prisoners for copies of the petitions and memorials addressed by them at different times, either to the Secretary of State, or to the directors or governors of prisons, with the dates of such replies as may have been returned to those applications. Are you prepared to supply them?—We could supply to the prisoners their own petitions and applications.

4790. With regard to the decisions on them and the replies sent to them, what do you say?—We could supply those to the Commissioners, but, I believe, the Secretary of State is of opinion that it would be more proper that that should go to the Commission and not to the prisoners.

4791. Except in those cases where they have already been made acquainted with them?—Where they have already been made acquainted with them there can be no objection.

4792. You would supply that qualification I suppose, that wherever they had already been made acquainted with a document, a copy of it may be supplied to them, and to other cases of a similar character?—Yes.

4793. Applications have been made to us by prisoners for copies of all the entries relating to them in the prison books, those entries being either reports made against them, or, I presume, also sometimes applications made by themselves. Should you be prepared to authorise the supplying of these to the applicants?—I should like to consider each set by itself.

4794. Take the reports made against the prisoners?—There can be no objection to give them that I can see, and the decisions made on those reports.

4795. (Mr. Brodrick.) I believe a record is also kept in prisons, of complaints made by prisoners, and of the mode in which these complaints are disposed of?—Always.

4796. Would there be any difficulty in furnishing prisoners with copies of these entries?—They could be furnished with them. They were always entered at the time, and the decision read out to them. Therefore, it is all matter that they have already heard.

4797. (Chairman.) Application also has been made to us by several prisoners, first for all certificates referring to their health, forwarded by the medical officers of certain prisons to the Secretary of State, the board of directors, and the governors of prisons; also for reports made by medical officers on removal from one prison to another, and also for medical case-sheets in certain prisons. Do you see any objection to supplying the prisoners these different documents, and if you do, how far shall you be prepared and deem yourself justified in supplying the information asked for?—I think they might have the date of their medical treatment; a statement such as the medical officer might think proper of their illness and their mode of treatment; but I think that to ask the medical officer to give full notes of their cases would be considered by them to be rather objectionable.

4798. And in your judgment would it be prejudicial do you think to the service?—I think it would.

4799. As to the certificates forwarded by medical officers to your board or to the governors, do you consider those of a confidential character?—I should lay those freely before the Commission, but I would not give them to the prisoner.

4800. (Dr. Lyons.) Is there any objection to full copies of the case-sheets, or the original case-sheets, in reference to each prisoner, being furnished to the Commission for the use and information of the Commissioners?—Certainly not.

4801. (Mr. De Vere.) Is there any objection, Captain Du Cane, that the original notes and

memoranda, with regard to the cases, should be laid before the Commissioners, so that they might test the accuracy of the return furnished by the medical officer to the prisoners?—Certainly, I should say the original documents might be given to the Commission. I should prefer the original documents being given to the Commission.

4802. (*Dr. Lyons.*) That is a class of documents that I was prepared to ask for. Can you undertake to have these procured?—I will communicate with the medical officers. Those papers are only kept according to their own professional practice and requirements, and not according to any precise regulations. What they will undertake to give I cannot say.

4803. (*Mr. De Vere.*) With regard to these confidential reports made by medical officers to superior authorities, is there any objection to these also being laid before the Commission with the view of testing the returns of the medical officers to the prisoners?—No objection whatever.

4804. (*Chairman.*) We had some conversation last time, Captain Du Cane, as to the admission of friends of prisoners to assist them?—Yes.

4805. Have any applications been made to you for admission?—Yes, I have been in communication with the Secretary of State on the subject, and the principle which he thinks a proper one will be carried out; namely, that the prisoners should be asked who they want to assist them to prepare their statement, and why; that in each case he should consider whether the application should be granted; and that the visit should be made under proper restrictions and under proper responsibility, such as the governor may consider to be proper.

4806. Is that intended to imply that they should not see their friends privately?—No; on the contrary, that they are to see them, without the presence of an officer. How it is to be done I do not quite know. We wish to frame our rule on that which is followed at Clerkenwell in the case of prisoners who are under trial, and who have every reasonable facility for consulting their advisers, but with such restrictions as long experience has shown to be necessary. They are allowed there to see their legal advisers privately in a room in view of the officer, but not in hearing.

4807. (*Dr. Lyons.*) How is that accomplished, may I ask?—By a glass door. The prisoner is always searched both before and after the interview. At Clerkenwell only a legal adviser is allowed to come under these terms. Friends are not allowed to come. In this case we propose to relax the rule, and to allow friends to come, provided that we can be satisfied that they are proper, trustworthy persons.

4808. What limit have you decided on in reference to the number of persons to be permitted to see them?—We have not decided on any limitation, but there was a distinction drawn between those who applied to see prisoners and those whom prisoners wished to see. If a prisoner expressed a wish to have the assistance of a certain person, that would be attended to first; but as regards all the rest, they would be perhaps decided as the applications came.

4809. (*Mr. Bradrick.*) Are you able to state how many applications of that kind have as yet been made?—I think all the prisoners at Chatham have asked for a friend, and I think they have all asked for Mr. Butt excepting Underwood O'Connell, who has asked

for his cousin Mr. Underwood, and Ross, who has asked for the assistance of his wife during the sitting of the Commission.

4810. (*Mr. De Vere.*) Are you aware whether those wishes on their part have been forwarded to the parties?—Those wishes will be attended to. They have been allowed to write to Mr. Butt, to ask for his assistance. I am not aware that an answer has yet been received.

4811. Are you aware that when they wrote to Mr. Butt they were under the impression that Mr. Butt's services would be secured for them by the Commission at the public expense?—I am not aware of that at all.

4812. (*Dr. Lyons.*) As a matter of prison discipline, may I ask you whether a chief warder has the power of sending a prisoner to a punishment cell for any set for 24 hours?—No, certainly not.

4813. He has not?—He has the power of putting a man to whose misconducts himself for trial before the governor, but the trial would always take place before 24 hours.

4814. Before the expiration of 24 hours. How long, then, as a matter of fact, could the chief warder put a prisoner into a punishment cell, and leave him there until the governor could see him?—I suppose, if the offense was committed a very short time after the reports had been dealt with, he might be there not far off 24 hours; but he would not be under punishment; he would not be on punishment diet.

4815. But would he be in a punishment cell?—He would.

4816. Then the chief warder has the power to put a prisoner into a punishment cell close on 24 hours?—He looks him into a punishment cell, but he is not under punishment discipline.

4817. He may put him into a separate cell for a period approaching 24 hours?—Yes.

4818. (*Mr. Bradrick.*) Is not a punishment cell a more comfortable cell than an ordinary cell of the prison?—I think probably it is altogether.

4819. (*Dr. Lyons.*) It may or may not be?—I think in most cases in public works prisons it is.

4820. (*Dr. Greenless.*) Would the prisoner's diet be altered?—He would receive the ordinary diet, unless the governor had sentenced him to punishment.

4821. And his clothing?—His clothing would be the same, and he ought to have books or anything of that kind that prisoners not under punishment would have.

4822. The only change, then, would be that he would be in a separate cell?—Yes, and he would not be out at work.

4823. (*Mr. Bradrick.*) Would he not have a different bed?—In the sleeping berths they sleep in a hammock. In the punishment cells they sleep on a wooden bedstead, but with a mattress on it.

4824. (*Chairman.*) I understand your answer in effect to be, that a warder has power to put a prisoner in a separate cell until the governor can inquire into his case?—Yes, as in the case of a man apprehended and placed in confinement to await trial.

4825. And that the period of time may fall very little short of 24 hours?—It might. There are certain hours at which the governor deals with those cases.

Adjourned.

Capt. Du Cane.

30 June 1873.

Chatham Prison, Monday, 4th July 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
S. E. DE VERE, Esq.MR. LYONS.
MR. GREENHOV.

W. SPENCER OLLIVANT, Esq., Secretary.

Mr. WILLIAM PITT BUTTS examined.

Mr.
W. P. Butts.
4 July 1870.

4826. (Chairman.) You are the governor of this prison, Mr. Butts?—I am, my lord.

4827. What time have you been here?—I came in January. I am not sure of the exact date.

4828. In what year?—This year; I do not know the exact date in January. I was transferred from Dartmoor.

4829. How long were you in Dartmoor?—I was in Dartmoor two years all but two months.

4830. Among other prisoners in this prison, you have under your charge six treason-felony prisoners I believe?—Yes, my lord. They are John Doroy, Charles Underwood O'Connell, John McClure, William Halpin, Jeremiah O'Donnovan Rossa, and Henry Smart.

4831. Have you since the appointment of this Commission received any communication from the Secretary of State in reference to the operation of the Commission as bearing on those prisoners?—I have, my lord.

4832. Will you be good enough to state what this communication has been?—I have received several communications.

4833. You have received several communications?—Yes, my lord.

4834. Have you received any communication which it was desired that you should make known to the prisoners?—I have received some replies to applications which they have made respecting the Commission.

4835. Have you received from the prisoners any application in reference to the Commission?—Yes, my lord.

4836. Of what nature have they been?—They have nearly all of them applied—four of them certainly—to have Mr. Butts, of Exeter, come.

4837. Were those applications forwarded to the Home Secretary?—They were, my lord.

4838. And have there been replies?—Yes, the replies have been received.

4839. And those replies have been communicated to the prisoners?—They have.

4840. What was the effect of those replies?—That they might apply to Mr. Butts to assist them in preparing their statements if they wished, and also that I had authority to write to Mr. Butts to tell him so myself.

4841. And have you done so?—I have.

4842. When was that?—It was on Friday I think I wrote; on Friday.

4843. On Friday last?—Yes.

4844. Two days ago?—Two days ago. I could tell you; I have got the letters in my office.

4845. Have any other applications been made by the prisoners through you to the Secretary of State on the business of this Commission?—Yes; they wished to be furnished with several documents, all their suppressed letters, and several reports.

4846. When you say "they," do you mean that they all applied?—No; Halpin has for one, and Rossa and O'Connell, and McClure; these four sent in statements.

4847. These four have applied for documents?—They have applied for documents.

4848. What kind of documents have they applied for?—They have applied for their suppressed letters.

4849. Were their applications in writing?—They were in writing to the Secretary of State.

4850. (Mr. De Vere.) Can you produce the applications?—No; they have not been sent back.

4851. (Chairman.) They have applied for their suppressed letters as you tell us. What else have they applied for?—For the reports that have been

made against them; I do not know that all did for the reports, but Rossa did certainly.

4852. Requiring the reports made against them as recorded in the prison books or in any other shape?—In the prison books.

4853. And what was the Secretary of State's reply to that?—Authority to give them their suppressed letters, and the petitions they made to the Secretary of State, and also copies of their reports.

4854. Of the reports made against them?—The reports made against them with the governor's adjunction on them. They have not been supplied with them yet, for I only got this yesterday.

4855. How soon shall you be in a condition to supply them?—Well, it involves a good deal of labour, copying all these out; but I should think that tomorrow they might have them. The clerks are doing them now.

4856. Does the Secretary of State's letter refer to any other documents but those you have already mentioned to us?—I cannot state. I will get the letter that I received. It is from Parliament Street.

4857. You have a copy of the letter?—I have the original; I got it yesterday.

4858. Would you please get it?—Yes. (Witness goes out and returns with a letter.)

4859. Will you kindly read the letter to us?—Yes; it is dated 2d July 1870:

" Office of the Directors of Convict Prisons,
44 Parliament Street.

" Sir, " I am directed by the chairman to request that, in case applications are made to you in reference to the Commission of Enquiry into the treatment of treason-felony convicts in English prisons, by the prisoners concerned, to be furnished with their petitions to the Secretary of State or to the directors, or their suppressed letters, they may be furnished to them, but not in any case any reports made to superior authority on these cases; the letter are to be furnished only to the Commissioners. " The convicts may also on application be furnished with extracts from directors' and governor's interview books, giving the applications they made and the replies they received. That prisoners who apply may also be furnished by the medical officer with a statement shewing the dates of admission to and discharge from hospital, and such statement of their treatment as would be made in ordinary professional practice to a patient. The medical officers of Millbank, Portland, and Woking prisons are also requested to furnish, for the use of the Commission, copies or originals of all certificates in reference to the health of treason-felony convicts Edward Power, to the governor, directors, or Secretary of State; also reports made by the medical officers to such other on the convicts removal, including that from Mountjoy to Millbank prison. Medical officers, where treason-felony prisoners now in custody have been confined, are requested to furnish, for the use of the Commissioners, notes of the case of each prisoner kept by them. Careful register should be kept of all documents the governor puts with. " The friends or advisers of prisoners permitted to assist them in preparing their statements for the Commission are to be allowed access at a reasonable hour and for a reasonable time and under proper restrictions, until the morning of the day which the Commissioners appoint for the examination of the prisoners in each prison, and not afterwards, unless

"in any particular case the Commissioners may wish otherwise. This date, as at present determined, is for Waking the 6th July, and for Chatham the 18th July."

"I am, sir, your obedient servant,
* FREDERICK PALMER.
"for Secretary."

This I received yesterday, my lord.

4860. Will you kindly let us have a copy of that letter?—Yes, I will, my lord.

4861. (*Mr. De Vere.*) I do not perceive that the latter mentioned reports against prisoners on the prison books with the adjudications on them?—Yes. "In case applications are made to you in reference to the commission of enquiry into the treatment of treason-felony convicts in English prisons by the prisoners concerned, to be furnished with their petitions to the Secretary of State, or to the directors, or their supposed letters, they may be furnished to them, but not in any case any reports made to superior authority on these cases, the latter are to be furnished only to the Commissioners. The convicts may also, on application, be furnished with extracts from director's and governor's interview books, giving the applications they made and the replies they received."

4862. Will you allow me just to look at that letter?—Yes. (*Hands the letter.*)

4863. (*Mr. Brodick.*) In the report book a distinct book from the interview book?—Quite distinct.

4864. (*Mr. De Vere.*) Do you conceive that you have any power under that letter to give the prisoners copies of the reports against them which are to be found in the report books, with the adjudications thereon?—I am not sure that it does give the authority to do that.

4865. (*Dr. Ligon.*) Perhaps the governor had better apply distinctly for permission to give the prisoners copies of reports against them, if asked for?—Very well, sir.

4866. (*Chairman.*) We may be considered as requesting you formally to make application to higher authority for leave to give the prisoners, on application, copies of any entries affecting each in the prison books, or complaints; reports against them, in short, with the adjudications?—I have a copy here, my lord, of all these reports.

4867. But we think it likely that the prisoners will ask for them, and we should like to know whether the authorities would grant it. Will you be kind enough to make the application, adding the recommendation of the Commission?—Yes.

4868. Have any friends been to visit any of the prisoners?—No, my lord.

4869. Not since you received the communication?—Not since. Mrs. Ross has been written to, saying that she might come.

4870. She has not been here?—She has not been here.

4871. Have you had any reply from Mr. Butt?—None at all.

4872. Have you received any written statements from any of the prisoners with the view of their being laid before the Commission?—Yes, I have received one from McClure.

4873. From what prisoner is it?—McClure.

4874. John McClure?—John McClure.

4875. Will you kindly hand it in?—Yes. (*Witness hands it a document.*)

4876. Is it exactly in the same state as when you received it?—It is exactly in the same state as I received it.

4877. (*Dr. Ligon.*) That statement has not been read or examined by you?—Oh, not at all; he sent it in to me.

4878. I mean to say it has not been read by you?—I have read it. It is not in a cover.

4879. I want to ascertain that it is exactly now in

the same state as you received it; that it is not amended?—Not in any way. It was given to me by the officer. He gave it to the officer and the officer gave it to me.

4880. (*Chairman.*) They have been put in possession of pens, ink, and paper, I apprehend?—They have, my lord.

4881. Have you also given them envelopes?—They have been told that they may write out their statements, seal them up, and give them to me, or else that they may deliver them to me personally.

4882. And have they had envelopes?—I do not know that their statements are ready yet.

4883. It would be well that they should be told they would have envelopes?—Oh, they will.

4884. (*Dr. Ligon.*) It is better to give them envelopes and let them see them if they wish?—The prisoner Shaw came up to me shortly after I gave them notice that there would be three days' intermission from labour given, and he stated to me next day, that for reasons of his own he did not wish to have anything to do with the Commission; that he was quite ready to make a statement if required, but that he did not wish to have anything to do with it. He gave me no reasons.

4885. What steps did you take with those prisoners in consequence of receiving a communication to the effect that this Commission was about to visit this prison?—On the 29th June I had each one up separately and told them the Commission was going to be held; I read the circular; I said each would have three clear days to prepare a statement, and they would be provided with pen, ink, and paper, and anything else that was required to assist them.

4886. Were they in any way differently treated after that notice?—They were kept three days separate from each other, agreeably to the wishes of the Commission, and they did not do any work.

4887. Are they still kept separate?—They are.

4888. They are still kept separate?—They are still separate.

4889. In separate cells?—In separate cells, and exercised separately.

4890. And exercised separately?—Yes.

4891. Has that continued up to the present time?—Except yesterday; they were allowed to attend mass, and they went to it as usual.

4892. Was each prisoner served with a copy of this printed document?—I gave each prisoner a copy of it.

4893. For how long have they been now in separate confinement?—The treason-felony prisoners; do you mean how long they are kept apart from each other?

4894. Yes?—Since the 30th of June.

4895. (*Chairman.*) In consequence of what you understood to be the wish of the Commission, I apprehend that those treason-felony convicts have been kept in separate cells for the purpose of enabling them to prepare their statements?—Yes, sir.

4896. They have been so kept you say, from the 29th June to the present time?—From the 30th inclusive. I warned them on the 29th June.

4897. That I may mention to you was done for the purpose of enabling them to have the fullest leisure for the preparation of their statements; but as the period of their examination is necessarily deferred in consequence of their asking for various papers and from other circumstances, the Commission are of opinion that the separate confinement should now cease, and that they should return to their usual modes of association. Will you take care that that is done?—Yes.

4898. We will now see, if you please, O'Donovan Rossa?—Yes, my lord.

4899. You will be kind enough to see that the warder who brings him will be out of hearing but within call?—Yes.

4900. (*Dr. Ligon.*) You understand that you are to set the other prisoners at liberty at once?—At once.

The witness withdrew.

JEREMIAH O'DONOVAN (ROSSA) examined.

4901. (Chairman.) We are a commission, I should explain to you, appointed by Government, but entirely independent of the Government, for the purpose of inquiring into the treatment of yourself and the other prisoners under the treason-felony Act, at present confined in prisons in England. I had better name for you the Commissioners first; that is Dr. Greenhow; that is Mr. De Vere; that is Dr. Lyons; that is Mr. Brodribk; and I am the chairman, Lord Devon. Our object is to receive the fullest and freest view from any one of the prisoners into whose cases we are going to inquire, any statement, orally or in writing, or both, which he may wish to submit. The statement will be made to us in a private room and out of the hearing of any person connected with the prison, and whatever the statement may be, it will in no way prejudice the future position of the prisoner as regards the prison in which he is. He will be none the worse for it in any way. It will be taken down by a shorthand writer who is sitting there, and it will be our distinct recommendation to the Government that the report and evidence should be printed afterwards when the inquiry is concluded. We have now had handed to us from the Prisons Directors Office in Parliament Street, a letter addressed by you to us, and we have had it under our consideration. In it you make application in your behalf that certain papers should be placed in our possession. We understand from a letter which we have received from the Government, that those reports, or so many of them as they have, will be placed before us for our consideration, and we understand also that the suppressed letters written by you will be supplied to you?—It is to you, sir, that I wish to hand them in.

4902. Very well, you can hand them in to us when you get them. Am I to understand that you are prepared to-day to make any statement, written or oral, to us, or that you wish for further time?—On Friday, my lord, the governor sent for me and told me he had a letter from the Secretary of State stating that we could have the assistance of any of our friends that we desired to aid our case; so I asked if I could consult my wife, and I was told "Yes," as I was writing up to that time, and since have not written, expecting she would come. However, what I have written I am prepared to lay before you. However, it is as much as I intended to write, unless her interview changed my mind.

4903. That rests very much with yourself. We shall be here again the 19th of this month, that is to-morrow fortnight, and if you wish, instead of going into your examination now, to defer it until you have an opportunity of seeing your wife or any other friend who calls in the meantime, you can defer it to then, or we can take your evidence and statement now, just as you prefer?—Just as you prefer, my lord, I am entirely in your hands. Anything that is convenient to you will be convenient to me.

4904. (Dr. Lyons.) Were you furnished with a printed copy of the regulations as to the facilities that would be afforded to you?—On Saturday I was furnished it.

4905. Have you read it?—Yes, I have.

4906. Are you aware of the facility afforded you in paragraphs numbers 2 and 8 in that for consulting with your friends with regard to preparing your statement?—Yes, on Friday I was told of it, sir, and of course I had no opportunity since I wrote to my wife. The governor gave me a sheet of paper to write to my wife. I have not heard anything since.

4907. Do you wish to defer your examination until you have an opportunity of conferring with your wife or other friends to aid you in preparing your statement, written or oral, to be laid before this Commission?—Well, I have written something, and I am prepared to give it up to you, and I do not know whether it would be too much delay for you, but if you would look over it I then would be prepared to answer any questions you put to me on it, and then be ready when you come again to be examined further.

4908. (Chairman.) If you hand it in to us now I do not know that we should examine you on it to-day. —Well, I was writing out some sheets of them that are badly written again. I was engaged at it when I was sent for. However, you will be able to make it out with some little trouble.

4909. Have you finished it?—No, not finished it, but I have just signed my name to it.

4910. You had better put down all that you have to say?—This is all I have to put down, sir, until I see my wife.

4911. (Dr. Lyons.) It should be understood that your giving this in now will not prevent you from handing in more.

4912. (Chairman.) This shall be considered only as a part of your statement?—As part.

4913. But we think it would be better now not to enter on your examination. If you after seeing your wife wish to make a supplementary statement, it can be put in an envelope and handed to the governor, who will hand it to us?—I would have no objection, my lord, he should get a copy to send to the director or Secretary of State, or any others you wish.

The prisoner handed in the following statement:—

To the Commissioners of Inquiry.

"*Quod tibi sentis vis, short ac brevis.*"

GENTLEMEN, Chatham Prison, June 30, 1870.

If you were prisoners in France under Napoleon the Third, as you might be if William the Conqueror and his immediate successors had ruled England from France instead of becoming English, and if you had been treated as I have been in England, and been somewhat misrepresented and belied, and after having had experience of one commission of inquiry being a pretence, if you learned that another was coming on, you would be able to understand why I commence with the above quotation.

Taking it for granted that you may be determined to elicit the whole truth, I have reasons to fear that you cannot succeed, and here is one of them.—I was 35 consecutive days in this prison with my hands tied behind my back. The address of the officers displayed itself in rendering me able one day to count eight locations of the flesh on both wrists from the sides of the irons, and these I believe were given intentionally. (In anything I say in this paper, do not understand me to express any opinion as to whether any punishment I underwent was merited or not.)

I have reason to believe that this putting of me in irons was by order of the board of directors. Well, the story was by or another goes into the world, and though it is in accordance with prison discipline, the Government deem it proper to contradict it, and the board of directors who order the punishment do actually, through one of their body, hold an inquiry at this prison to prove that no such punishment took place. Reasons similar to that which arises from such a circumstance as this make me very reluctant to engage in any prison investigation where the ordinary means of cross-examination for eliciting the truth from witnesses of easy memory is denied. Here is an incident in the inquiry of 1867: the governor of Portland prison seized a letter which I was sending out surreptitiously. It was addressed to "Mrs. Mary Moore," the mother of a fellow prisoner, "for Mrs. O'D," my wife. The governor entered on his books a charge against me to the effect that I was holding an illicit intrigue with the wife of another prisoner, Michael Moore, and he subsequently told Michael Moore that I was writing to his wife. Michael Moore had a wife, but her name is Kate. I tried to explain away the matter to him; I also tried to get the governor to have the charge recorded aright in his books, and I could not succeed. He said to me one day, "I believe the letter was intended for 'Moore's wife, and that the words 'for Mrs. O'D.' 'in small writing in a corner on the back of it was 'only a sisterly, and I told the board of directors

"so, and I told the Secretary of State so." "Then," said I, "you told them what was false." He immediately ordered me to be taken to the punishment cells. Now you may fancy what my surprise was when Messrs. Knox and Pollack informed me that the governor of Portland and his officers had contradicted all that I had stated regarding this matter. These reports as to my holding an intrigue with the wife of another man are written somewhere, and as written things last longer than we do, I can anticipate the unpleasantness of having them turn up some day to defame my name. I applied to the board of directors to have such papers destroyed, and their reply was that they would do what to them seemed proper. I now again bring the matter before you with a view to your doing me justice.

The second paragraph of what purports to be the object of your inquiry runs thus:—

"Whether there is anything in the treatment, diet, or discipline of the convict prisons to justify any charge of unnecessary severity or harshness towards the prisoners confined therein, or of the neglect of the conditions necessary for the due preservation of the health of the prisoners."

The word "unnecessary" in this paragraph is the qualifying one, and I would be afraid to venture an opinion as to what degree of "harshness" or "severity" you would consider unnecessary towards keeping in subtile order the very hard characters that find themselves in English convict prisons. Flogging is a legalised punishment, but I have not been flogged. Bearing in mind the fifth paragraph of your letter, which confines me to facts within my own knowledge, I am unwilling to put anything that happened to myself before you with a view to your pronouncing it unnecessary, harsh, or severe. An Irishman has said that Englishmen have one word which in these institutions covers up everything, and that word is "discipline." I have felt it very severe to be stripped of fannels in mid-winter and left shivering night and day for two months till an attack of diarrhoea brought me the doctor and a fannel waistcoat. A fellow prisoner, named John Lynch, told me one of these days that the cold was killing him, and he died shortly after. Discipline required that we be stripped of our fannels.

I felt it pretty harsh to be forcibly charged with "idleness," and to be punished on such a charge while I was daily doing the amount of task work struck out for me. I thought it pretty severe to be put on starvation diet under such circumstances, and seeing that the interests of discipline required this in my case, I gave up all hope of being able to accommodate myself with any equanimity to the requirements of my masters.

Discipline required that in a black hole cell I be left during two nights without bed, blanket, or even rug, and I should like to see the prison rule which authorises this. To give me a rug and blanket and deprive me of my body clothes in such a place is sleep what I experienced often. I was at last tempted to refuse to give them my body clothes, and for this I paid dearly. Three officers seized me, threw me on the ground, one of them placed his knee on my neck, while the others were pulling off my trousers. Then it was necessary to turn me over, and while on the flat of my back this gentleman who had charge of my neck lifted himself up and leaped with his knee foremost on my chest. My recollection of the matter is fixed in my mind by the burst of air that shot up my throat, somewhat like the escape from a full-blown bladder if the foot be stamped upon it. And yet that did not satisfy them; they had possessed themselves of my clothes; they were just out of my cell, and I in a recumbent position, rising from the ground, one of them turns round and dashes me back against the wall. The interests of discipline will not allow this to be called "unnecessary" severity, for, if I had stripped myself according to order the thing would not have happened. But I was fool enough to think that those people had no right to lay hands on my

person while I remained quietly in my clothes and my black hole.

As to anything that may pertain to "neglect of the conditions necessary for the due preservation of the health of the prisoners," discipline will cease to the relief here also. To be confined for months in a darkened cell, specially furnished with a privy unfurnished with a lid, and one month of this without even stirring out of it, except to the black hole, and on 16 oz. of bread and 40 oz. of water daily, may not be necessary for the preservation of health, but it is deemed necessary for discipline.

A prison doctor's opinion as to what is necessary for a prisoner's health is the opinion that must be taken here. I heard one of our prisoners speak to our medical officer one day about a sore foot. The doctor said if a hole or anything that way came in it he'd see what he could do. The prisoner asked if prevention were not considered better than cure. Yes, replied the doctor, but in some cases we are not allowed to prevent. I am transported for life; I am made partly deaf to see that it is my life is wanted, and not the preservation of my health, and I do not mean to be squabbling about it. But this I claim a right to, a right to, even since this Commission sat, but I might say in contempt of it, been interfered with, and that is the natural right to speak to my wife about the state of my health. I had a visit from her on the 5th of February, and I then told her of some affection of the spine that troubled me. She went home, and feeling ill, the doctor who attended her asking how I was, she told him. He said there was a special treatment for that, and wondered I did not receive it from the prison doctor. This she told me at a visit three weeks ago, and as I had spoken to our medical officer about a dozen times without effect, I told her so, when the deputy governor, present at the visit, immediately interposed, and said he would not allow that conversation to be continued in that style, as it implied a neglect of duty on the part of the prison officers, and so the matter ended. Now, gentlemen, this is one result that I would wish your inquiry to have, the result of releasing us from that restriction which imposes silence on us regarding our treatment.

Mr. Gladstone is, I believe, at the head of the English Government at present; he is a writer as well as a statesman, and if my memory serves me right he has in some book written that in any nation or institution where publicity is guarded against and secrecy provided for, always must necessarily exist. It is a truth that all men (except some) recognise. The exceptions are those who are "infallible" and cannot do wrong, but in christianity, "constitutional" England, where criminals are punished only to deter others from crime, the end professed to be aimed at cannot be attained in our case, when such extraordinary efforts as come under my experience have been made to keep our punishments hidden from the world.

My letters are suppressed because I speak of my treatment, and the British Government defines my character by saying that it is because I have told lies in them. I have asked you to call for these letters to question me on them, and I hope you will do so.

The English people might have more reason to be pleased with the working of their convict system if this criminal-looking veil of secrecy were lifted from it. If they would even only get the press represented at the criminal sessions that are every day held in prisons it would be something.

I was breaking stones one day alongside of a prisoner convicted of thieving. The officer kept goading him about something, but the prisoner dare not reply as his "good character" was at stake; he only inclined his head to me, with the expression, "By Christ I'll make someone pay for this yet." And thus it is here men are "reformed." The humanity is crushed out of the man; his soul, his spirit is trampled on, and then we give him a Bible to teach him religion! to teach him that he has a soul. I am not reflecting upon religion

J. O'Donoghue
(Moss).

4 July 1878.

J. O'Connell of any denomination or its ministers. I am only speaking of "discipline," which governs all.

4 July 1873. "Crimine ab uno disco senu" and "omni."

Mr. Gladstone, in speaking of the treatment of prisoners in Naples, writes these words; but where is the man coming to see an English prison can speak to an English prisoner and ask him for information as to the treatment? That man is not to be found. The visitor will find everything in the nicest applicable order, and as Mr. Gladstone saw in Naples he will see excellent rules and regulations hanging up in every corner; he will see a Bible in every cell, even in the one where the victim is chained and being starved; and if he comes on a Sunday he will see 1,500 men parading for chapel, each with a Bible and prayer-book exposed to view. What wonder if he say to himself, "Oh! this is the paradise of saints;" but he little knows the curses that are heaving, the hell that is seething under this phylactery, and which discipline makes her votaries assume, at the peril of losing their daily bread. If it be a digression to speak here of what does not tend to the reformation of these English children of misfortune, I will, for an excuse, again borrow the words of another, and say, "*Howe scus, Ausonii nihil a me offensum patet.*"

I do not see any rule which authorises discipline to deprive a man of the use of the Bible for six months, and yet this sentence was passed on me. If you will inquire why, you will perhaps be told that I injured some of the books given to me, but you will do well not to believe it until you question me. It is in matters that affect the constitution or explaining away of anything I say that I deem it absolutely necessary to be present in order to your eliciting the truth.

I do not see anything in the rules to warrant the authorities stripping me naked once a day for three or four months, and yet discipline does it. But refusing one day to be the agent of my own shame, five officers seized me and giving me a terrible choking, left me naked on the floor.

In youth I acquired a very strong prejudice, if I may so use the word, against appearing naked before anyone, and in these places I have not been able to get rid of the unpleasant feeling. A very painful position it has been to me often to see myself in a bath with an officer standing over me looking at me. I suppose he had instructions not to take his eyes off me. One of the rules says that the governor and officers are at all times to show examples tending to inculcate principles of morality, &c., but in Ireland we would not consider this thing in accordance with morality or decency.

I also fail to see any rule that obliges me to bathe in water in which other men had bathed and washed, and this I had to do often.

That I should be treated in this country in a manner that the Government would be afraid or ashamed to have known to what I cannot understand; but I know that their fears one time as to my being to write anything of my treatment and get it out, went so far as to deprive me for months of that waste brown paper which is supplied to every prisoner for purposes of nature.

When I applied to the director, Captain Gambler, for a sufficiency of coarse bread, and remarked that that was what England would not refuse as a right to the state prisoner of any other country, he refused it, with the observation that "England has no state prisoners nowadays." England may not like to have the odium that attaches to any country having state prisoners, and she may try to get rid of it by labelling us as thieves and murderers. She would have her vengeance and her christian character at the same time, and she hopes you will assist her. I can only hope that you will be just.

Hearing how I was treated in the report of Messrs. Knox and Pollock, I asked to be allowed to see a copy of it. I thought English fair play would allow this, but the Secretary of State told me not. Will you please tell me if I might expect a copy of yours?

The third paragraph of your paper runs thus:—
"Whether the treason-felony prisoners have been subjected to any exceptional treatment in any way, or have suffered any hardships beyond those incident to the condition of a prisoner sentenced to 'penal servitude.'"

Were you to see one day of our life you would see that in every respect our treatment is exceptional; better in some respects, worse in other respects than that of other prisoners; better, in so far as that we are for some time past saved the annoyances that come from officers goading us on to work, and seeing that everything we do is done wrong. I feel the absence of this now, because I suffered from it a long time.

At present I think the instructions given to these in charge of us seem to be, to take no notice of our work, but to keep the most vigilant eyes and ears upon us, so as to render it impossible that a look or a whisper could visit us from any mortal thing outside ourselves. In saying this is better I speak only for myself, for while I am allowed to enjoy my dignity in peace, I care not what eyes are upon me or what walls are around me. Since I came to this prison I have not been outside the walls which surround the building, and that is what none but a treason-felony convict can say. The thief or the murderer can have a look at a river and a green field, if it be any relief to his eyesight, but I cannot. He can have a hammock to lie on, but I am for years in a punishment cell and have to lie on the harder boards. The ordinary prisoner can pray if so inclined without an interdicted stone, but if the treason-felony prisoner pray, it is with three officers sitting on the bench in front of him looking him in the face, and if the treason-felony prisoner go to communion he has an officer parading him through the chapel, while the ordinary prisoner can approach the rails without such distinguished notice. During the past month we got four hours' exercise in the open air every day, and sometimes in a more airy yard than the small penal class one in which we were hitherto exercised during two hours each day; and on last Sunday I got two hours' exercise instead of one, which I got every Sunday up to that. This is an act of grace to me, because I must be two years in prison to entitle myself to that, and though counting by the calendar I am going on five years in England, if you count by discipline I have not spent one yet.

Touching any exceptional treatment, I state that I was one morning in my cell, the gas was turned off pretty early, and left me unable to read a book I hold in my hand. There was an iron blind on my window then, which has since been taken off. I reflected that the ordinary prisoners had light enough, perhaps, having no blinds on their windows, and that while I was not supposed to be under punishment I might reasonably be allowed daylight when the daylight was artificially excluded. I pulled my bell. The officer came. I asked him civilly enough if I could not have the daylight, and he commenced to abuse me; he said, "he knew what I was, that I had the same light as any other prisoner, and that I should behave like any other prisoner, or that if I did not I would soon find myself in a darker place." He shut my door and kept talking outside of my innocence and presumption, and in the moment I was busy enough to say, "Ah! get out." He reported me for this "innocence," and he positively denied that he said a single word of what I state. I told the governor that the prisoners in the next cells must have heard him as well as I, but the governor said he could not take prisoners' evidence where the word of an officer was concerned, and gave me 48 hours bread and water. Understood that to accommodate matters to my exceptional treatment, the English prisoners of "good character" were chosen to occupy punishment cells in Chatham six days before I came there. They naturally enough felt the restraint, and some of them applied to be placed in their own position before and after I came amongst them. One of them a few days

after my arrival said to me, "I wish it was the devil" "had picked me out the night I was picked out for this party." And these men, too, were made to see that I was the cause of their exceptional treatment, for on those days during which I used to be kept in on bread and water they used to be taken outside the walls to work. This was what I would call foul play.

Amongst these prisoners, too, my masters must have a special one to act as spy upon me. The first day I was with them he gave me a bit of a newspaper; but when we came in from labour the officer in charge of the ward visited his cell, then came to my cell, and ordered me to strip. The bit of newspaper was of course found. Those to whom I told the story say that the officer went so far as to give the prisoner this paper to trap me, but I will not go that length. I spent nine or ten days in punishment before I went to labour again, and when I went out I learned that some of the other prisoners had been reproaching this trait for the trick he had played upon me.

Assistant to this first report against me in Chatham was another, relative to my work and my "insolence." The officer kept spurring me the first day I took my hammer in hand. I am left-handed, and he made me work with the right hand; then he kept telling me that my stroke was very light, and at last said, "Oh, officer, the wages are rather light too." I was aided by a superior officer who visited the party, and he talking of my "insolence," I told him the prison rules did not permit me to be insolent to any officer, nor did they permit any officer to be insolent to me, and this only made matters worse. I told the governor I came to prison determined to be insolent to no one, and intended to remain with that disposition, and he fish-tailed my words so as to make me say that I would not be insolent any more. I have seen the improper way in which reports are fashioned, and how the prisoners work are fashioned, to suit the reports; and finding myself invariably misrepresented in this way, I have again and again asked for paper to put my replies or my charges in writing, and it has been refused. This is a thing that would be remedied if the secrecy of prison life was done away with. I saw those prison hooks were being made up for the purpose of making me a most desperate character, and I had to help for it but to reflect that an impost on my body would one day show me most wicked and my masters most humane. I'll give you a few items. I am one day shaving and I cut my throat; the blood flows pretty freely, and with the point of my state pencil I write on the door of my cell, thinking of something a duke of Burgundy said, dying on a battle-field—

"Le sang rouge d'Irlande coule en Angleterre."

I am called out of my cell, the officer sees this writing, and next day I get 48 hours bread and water for having written in letters of blood on my door, "The red blood of Ireland will rise in England," and it turns out that this was at a time when there was some Anglo-Irish connection amongst you. Again, I am on bread and water in a darkened cell, and to keep myself company I am repeating some lines; the officer addresses me and says, "You must not be going on this way." I reply, "Oh, by Jove I will," and next day in the offence charged against me it is, "By Jove I will," which makes the affair look very wicked. The two things I state are offences, and I have nothing to say as to being punished for them. I only cite them for the purpose of showing how "bad characters" are made. This talking in my cell was after finding myself punished for idleness while I did my work, after which I gave up all hope of being able to get on smoothly, and when I got punishment I spent my time as well as I could, regardless of what noise I made by repeating a piece of poetry. To have one officer see me doing one thing, and another another thing, and to have the first charge me with idleness for not doing his work whilst doing the work of the second, is another way for getting up reports, and it

is "reports" that make the "bad character." Having so very had a name myself, it would not become me to assert that the worst characters in society manage to have the best characters in prison. Prisoners know this to be the case, and it is well, in a certain sense; but it would be better were the mind to be marched onward with the badges, were the man cultivated with the animal.

As to exceptional treatment, might I not ask, how is it explained that I have been separated from the rest of the Irish prisoners and sent to Chatham, under the circumstances I state? How is it explained that in Portland I have been separated from the Irish prisoners and sent amongst a gang of English prisoners? How is it explained that while in Portland, the rest of the treason-felony prisoners working in mid-winter in a shed, I was placed outside of the shed, and prevented from having that little shelter from the poison-laden blast which the others had? How is explained that, when under "report" the same day with some of my fellow prisoners, on a charge of talking while at work, they got 24 hours on bread and water, and I got 72 hours on bread, with 14 days solitary confinement on penal close-diet?

These things, of course, are all explained away by saying that I have been a bad character, but may I hint that the desire to give it to me probably stood sponsor for it.

I knew I have been guilty of the most serious offences in trying to get letters out underhand, but the authorities may thank themselves for putting this thought into my head.

While in Portland my wife wanted to know something of my pecuniary affairs. I could not write to her. She wrote to Mr. Clifton, the governor, asking him to allow me to answer her questions. He told me to write what I had to say on a slate and that he would have it copied and sent to her. I did so, and a month after he said to me, "I could not be sending your love letters to your wife." It was that observation that determined me to be regardless of prison rules, if I could get a letter to my wife any way. After his observation I made some remark as to experiencing such treatment in an English prison, and I will recollect his reply to be this, "The treatment is too good for you. 50 years ago you'd have been hanged."

It has been asserted and denied that I was obliged to go on my knees and elbows to eat my food at one time. My hands were tied in front this time, I got a dish of sirloin in a black hole cell, I had no spoon, I was hungry, and had to go at it in the above position. I was ungrateful enough to break the dish after lapping up what it held, to mark this circumstance in my memory, and in that of my keepers. How I came to have those lines on me is a long story. I'll try and shorten it.

Some writing was found on the person of another treason-felony prisoner. I was suspected to be the writer, but my name was not to it. I was this day stripped naked three times, nothing contraband was found on me or in my cell, yet I was sent to the darkened chamber and kept there for 72 hours. I was then told that I was to go back to my ordinary cell, but that I would not be allowed to go to chapel in the mornings. I said this punishment smelt of the old penal laws in Ireland. Three days afterwards I was brought before the director and charged again with the offence; he said he would stop my visit, the ticket of which had been sent to Mr. Richard Pigott, Dublin. I was taken to my ordinary cell again, and I got my exercise with the other prisoners that day, which would not be so if there was further punishment recorded for the offence. Next morning at six o'clock I was put again in the darkened cell. My breakfast came, it was eight oz. of bread and a pint of water. I asked what was the punishment for, and what was its duration, and I could not be told. This to use legal parlance was what I considered an illegal proceeding, and I asked my sense of it by breaking the spy hole which they had in the door for looking in at

J. O'Donovan
(Bona).

4 July 1870.

J. O'Donnell
(Maurer).
4 July 1870

me, and then the handcuffs came. These handcuffs were left on night and day, and I have some vivid recollections of the disagreeable length of those old December nights. One morning I sent for the doctor and told him that the irons were too tight; he examined and said not, but when the lamp was held close I saw that my wrist was full of blood; they, the officers, said it was from unnecessary exertion on my part, and I had to leave it so. When prison officers know that a man can be worried with impunity, you can have but a very poor idea, however rich your imagination, of the numberless opportunities that offer themselves to a seditious officer.

We had a principal officer in this prison when I came here, named Mr. Allison, and he was very clever. He told me one day that there was a place convenient to this prison called "Jilligan" (Gillingham), and that any prisoner who did not obey the rules very soon found his way to it. This Jilligan is the prison graveyard. It was this officer's duty occasionally during those 35 days to tie my hands behind my back. I used to have no braces, and I had flannelled holes in my clothes to keep up my breeches while my hands were tied; but after putting on the irons this gentleman used to go to the trouble of unbuttoning my clothes, and I could not button them again till the next week. His subserviencies used to follow his example, and one of them, when in the morning I used to stoop down to take in my clothes from outside the cell door, used to kick them up in my face. This was to provoke me, and furnish him with an excuse to use his club on me. Messrs. Knox and Pollock, as I am told, represented me as occasionally defying the authorities. I dare say it was deemed proper to show me up as a fool. I believe I know my own mind better than anyone else knows it, and I cannot see a thought nor the sides of a thought of defiance in it, where, as in prison, ability to do anything is absent. It is not in a spirit of defiance that the stag turns on the closely pursuing hounds, that the rat smooches at the cat, and that the worm turns up its threatening head with pain when trodden upon.

On my arrival at this prison, Mr. Allison asked if in the other prisons I was in they were very particular about the military drill. "Well, not very," said I. "You must be sure to pay particular attention to it here," said he, "for it is a thing that we are very particular about." "That, governor," I observed, "must seem strange to me, an Irishman, for it is one of the things for which I have been transported."

If I had any inclination to be defiant, to be captious, here was a matter to seize hold of any day since I came to England. The attempt to teach men drill was urged by the Government at all the treason-felony trials, and at mine. The word "Halt," spoken in jest or earnest in Ireland, was enough to fix a man in prison, and no sooner do I set foot in England than I am by law exercised in that far which by law I am exercised, but I had no disposition to be captious.

When I came to England all convicts had some hours at school two days each week; but for our benefit, or non-benefit, a new class was made of educated men who needed no schooling, and all the treason-felony prisoners whom I met in prison in the several prisons were forthwith decreed to be men of superior education—by discipline. In Millbank, one day, I thought I might read a book while all the other prisoners of the ward were at school. The deputy governor saw me, and recommended the officer for allowing me to be reading during school hours.

This is the 1st of July, and I have written so far when a letter from the Secretary of State announces that I am to have an assistant in preparing my statement for the inquiry, and that my expressed letters and my letters to the authorities will be forthcoming thereat. You will look over these, and I do not know that I will trouble you or myself with writing much more, unless at the guidance of my assistant. One matter, however, I will allude to, it is that of having

committed the offence of throwing water on the governor of the prison.

I was, as I say, placed in company here with nine English prisoners. I did not like my position, the prisoners did not like them, and the officers kept worrying me. One day I was yoked to a cart with these men drawing stones, and I had a noose of the rope over my neck, the cart heeled over, the shaft flew high in air, and the rope slipped off my neck without doing me any injury; the danger was in its kicking on my neck. A second time the same day the cart heeled over before its time, and at this occurrence I was in no danger for it had arrived at its destination, and the rope was off my neck or breast. However, the first adventure told me that it was high time for me to be released from the party, and soon after I applied to the governor and visiting director to be allowed to work in my cell rather than with them. The result of my application only made matters worse, by having the prisoners removed several paces apart at work, and preventing them from holding conversation with each other. After refusing twice to work with them, and getting punished, a third time and last time I refused on the 1st of June 1868. The governor kept giving me bread and water till the 17th of June, first for refusing to labour, three days, and then for refusing to pay him silence during the time that I was being starved into compliance. I one day deemed it proper to tell him, with a well intention, that it was not to him but to the authority that was subjecting me to such treatment that I refused this homage of the will, that I could not conscientiously bow down before these who were humiliating me, and harshly to me, "I treat you with contempt." I would be satisfied that he would trust me with contempt if he let me make my punishment without disturbing me, and if he made his officers keep their hands off me; but he would not, for they used physical force to get my hands and body in the position of "attention," and he kept giving me the bread and water after his saying he would treat me with contempt. So when he came to my cell door again, and when the officer called upon me to salute the governor, I did what I alluded to. This occurred about noon, and next day about the same hour I was put in irons. I calculate that in the meantime a report of the matter was sent to London, and that the order to put me in irons came from London. It cannot with truth be said that I showed any signs of being violent other than was shown by the commission of the offence. My reply to the director when charged was, "that it was the reflex of the treatment I received." To be sure it is an act that I once thought I would never commit, and would not believe it in my anti-prison days if a Columbkille had prophesied it. These who undertake to pronounce judgment on such a matter might do well to remember the opinion of him who said that it would be a charitable thing to refrain from pronouncing judgment on a hungry man who stole a loaf, until you found yourself in the same plight and pinched with the same hunger as the thief. He alone who would have gone through my prison course would be competent to estimate the moral taint attaching to my act. Discipline was lenient enough to vindicate itself by 37 days with my hands tied behind my back, 28 days on 16 oz. of bread daily, and 30 days on penitential diet. This was the last of my extra prison punishment, save 10 days in solitary confinement two months afterwards, on a charge of writing a letter which I did not write. I will repeat here that if the authorities had been contented with a respectful demeanour from me, and humility becoming my position as a convict, they could have had at any day since I came to prison; but they forced me to see that it was humiliation they required, and I did not care to play the hypocrite by affecting what I could not feel. There are numberless annoyances that I endured which to me appeared to have no object, only annoyance, but as they are past, and as the authorities put in no appearance now of not wishing to have them repeated, I will bury them.

I have left a margin on these sheets that in reading

them over you may mark anything deemed relevant to your inquiry. I also refer you to my suppressed letters, to my letters to the board of directors and the Secretaries of State, and to my letter to you dated June 25th, in which I suppose that the truth or falsehood of the statements made in the newspapers regarding us must be a matter of issue to the public and of concern to you.

If you are pleased to examine me thereupon, or upon whatever you examine me, I am disposed to give you as much satisfaction as regard for truth will enable me.

I remain, Gentlemen,
Yours respectfully,
JER. O'DONOVAN RUSSA.

4914. Your examination being deferred to the 19th, is there any matter that you wish to state to us now before you withdraw?—Well, my lord, you said that any thing I would say would not prejudice me in future.

4915. No.—Well I have some experience of prison life; and I do not know how, though you may be very much inclined to protect me, I do not know how you could, if the authorities desire to keep punishing me; for they can get thousands of excuses to punish me; say that it is a breach of discipline; and I do not know how you would be able to learn it or become aware of it.

4916. We can only tell you that it is our anxious desire and that we will take every possible mode of securing that no injury shall follow.—I will take it for granted my lord: however, I am not afraid. As I have offered to have the matter sent to the Secretary of State or board of directors, I am not afraid to make any statement.

4917. (Dr. Lyons.) Can you inform the Commission, in what way you experienced any injury by reason of giving evidence before the Commission?—Well, things that occur in prison are that are not seen. For instance, having a spot on a vessel that you had in your cell: that spot might be there for twelve months perhaps; it is not seen, and the officers are not very strict; and after you leave to-morrow that may be seen, and I might be punished and get bread and water for it.

4918. (Dr. Greenwood.) Did you give evidence before the last Commission?—I did, sir.

4919. Did you find any change in your treatment after giving your evidence at that Commission?—I did, sir.

4920. In what way did you find a change in your treatment?—About a few weeks after they visited me, I was doing my work—stak work, doing daily the full amount, and one day I had it done about ten minutes before the time for the officer to come to take it. I had a book, and I took it in my hands, and I was seen by a superior officer and reported for idleness, and next day got 48 hours' bread and water in a private cell and dark hood.

4921. (Chairman.) Can you fix the date of that?—The 3d of June the Commissioners were here, and this circumstance may be in the latter end of June or beginning of July.

4922. (Dr. Greenwood.) How long was it after you gave the evidence to the Commission?—About three weeks or a fortnight.

4923. (Chairman.) What year was it?—1867, sir, I made up my mind that there was no use to try not to commit myself, and I gave them plenty of opportunities of punishing me.

4924. What was the name of that warder?—The name of the warder who ordered me to be reported was the chief warder of Millbank, Mr. Power.

4925. You were in Millbank at the time?—In Millbank, sir; chief warder Power; and the man who was over me in the ward was Percival I think.

4926. (Dr. Greenwood.) Did you attribute your punishment to having given evidence before that Commission?—Well, I could not say that. Of course I would have no evidence to prove it.

4927. (Chairman.) I understand that what you say is this, that having given evidence before Messrs. Knox and Pollock, you on a day which followed shortly after, were reported for idleness at a time when you had in point of fact done your work; and you leave us to put whatever construction we please upon it?—I have no evidence to give beyond it.

4928. It was a fact?—Yes, my lord; it is the fact.

4929. (Dr. Lyons.) Is it your impression that you were punished with bread and water in consequence of having given evidence before Messrs. Knox and Pollock?—I could not say, Dr. Lyons.

4930. I want to know what is your impression?—Yes, it is my impression that, as we say in prison, the servers were laid on then.

4931. (Mr. Bradick.) You were actually placed on bread and water, in a dark cell?—Yes, a darkened cell; not entirely dark. On those gentlemen coming to make inquiry, they said to me "We have nothing whatever to do with the prison discipline;" and when I was laying before them the matters that concerned me, they said "that comes under prison discipline, and we have nothing to do with it." Coming to make an inquiry under such circumstances, of course does not appear honest.

4932. (Mr. De Vere.) You have seen the instructions under which this Commission has been appointed?—Yes, sir, part of them.

4933. (Mr. Bradick.) You will have observed that one of the questions submitted to us is whether there is anything in the treatment, diet, or discipline, of convict prisons, to sustain any charge of undue severity or harshness towards the treason-felony prisoners confined in English prisons. You will therefore see that under our commission, it is not only within our power, but it is our duty, to inquire into any point of prison discipline whereby you may feel that you are unjustly affected.

4934. (Mr. De Vere.) We have two heads of inquiry; one, whether there was any exceptional treatment towards treason-felony prisoners; the other, whether there is anything in the discipline of the prison which is unduly harsh towards the prisoners or injurious to their health. We have the two subjects. You understand that?—I do understand, sir; but of course it would be very hard to say what is necessary to keep in servile order the people who are confined in such a place. But whether harshness or severity is necessary or unnecessary, it is very hard to say.

4935. It may be necessary for a part of your case to understand that we are not confined in our inquiry to any special treatment of the treason-felony prisoners but have very large powers of going into the question generally, providing it is discipline to which you might have been or might yet be exposed.

4936. (Dr. Lyons.) When did you get notice of the proposed holding of this Commission?—This gentleman, who represents himself as your secretary, was here with me last Saturday week and gave me notice of it.

4937. Did you get any further notice of the probable coming of the Commission from the prison officials?—Well, not officially; we did not officially, but it was communicated to us. It came in a letter to me from my father-in-law that there was to be a commission, and Mr. Colton, member of Parliament, visited O'Connell, the prisoner, and said there was to be a commission.

4938. Within the last week what official notice did you get?—Last Wednesday the governor read part of that paper for us, and there are extracts from that paper which he read, telling us the Commission would be here at 12 o'clock on this day, and that we were to have three days to prepare our case.

4939. What happened to you after receiving that notice?—Wednesday we received the notice; we went to work as usual that day, and Thursday morning we were kept in our cells, kept from prayers, and cash morning since, except yesterday, and have been in our cells preparing our statements, and with the

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exception of a few hours' exercise each day—exercise in the open air—kept in separate confinement.

4943. Before you got this official notice were you and the other treason-felony prisoners associated together?—Yes, working in a room together.

4944. What work are you employed at?—Mending stockings.

4945. How long have you been at that work?—I have been at that work since last March twelve months, I think.

4946. Had you full opportunity of going to mass on yesterday?—Yes, sir.

4947. Did you go to mass yesterday?—Yes.

4948. Have you any witnesses to examine to corroborate any statement that you may have made, or that you propose to make before this Commission?—Well, I have not made much; only what concerns myself. I have not introduced the cases of the other prisoners present, and if anything is required to corroborate what I say, why I will see who can be had to corroborate it.

4949. (Chairman.) You will have an opportunity of communicating with any party.—Yes.

4950. (Dr. Lyons.) Can you name now to the Commission any persons that you propose to appeal to as witnesses in corroboration of any allegations you make?—I will tell you one fact, and if you deem it necessary to have the matter corroborated I will speak to others to corroborate it. In Portland, I speak of it as part of the system, I was charged with the offence of speaking while at work in connexion with three or four, or five others, John O'Leary, Luby, and some other prisoners, and each of them got 24 hours bread and water, and on the same evidence I got 72 hours bread and water, and 14 days on penal class diet. Then again I was sent from the prisoners, and sent among a gang of English prisoners to work. If you think these matters would be contradicted, as matters were contradicted before Messrs. Pollock and Knox, I would, of course, have parties to corroborate my testimony.

4951. I want to know, in general terms, if there are any persons whom you wish to refer to as corroborate the statements you have made or propose to make, and if you could now state who those persons are. I do not press you on it now; you will have plenty of time?—One of the men in Portland with me at this time was James O'Connor; he is in Dublin at present.

4952. (Chairman.) It is right that I should tell you, O'Donnell Bross, that as regards prisoners in other prisons the Secretary of State has decided that they cannot be called in support of any statement made by a prisoner in another prison; but you may refer to any parties outside this prison or any persons within this prison, or any released prisoner whom you may wish to call; and with regard to the first class we shall be prepared, bearing in mind your statement when we go to Portland, to examine them there on the points you have raised; but you cannot have them here.—I cannot have them here?

4953. No.

4954. (Dr. Lyons.) I wish him to understand that the Commission would inquire whether the facts were so or not, from persons in other prisons.

4955. (Chairman.) If you make an allegation before us here as to anything that happened to you in Portland, which you think O'Connor or any other prisoner could support, it would be our duty when we go to Portland to question them on it?—I tell you, my lord, that if after reading over my statement, you find there is anything in it relevant to the inquiry, and that you would cross-examine me on those matters and would require evidence corroborating anything I would say if contradicted, if you would send, or have your secretary to send a note to the governor telling what are the matters, I would give you the names of parties who would corroborate them, and thus delay might be prevented. Perhaps it is not right for me, my lord, to be suggesting anything.

4956. (Mr. Bradrick.) You are perfectly free to

make any suggestions that you think proper.—Thank you, sir.

4957. (Dr. Lyons.) You have full permission to communicate with any persons outside to advise you or assist you.—Since Friday only, sir, I have written to my wife. As far as I know, she is in London, in Stannard Street. I have not heard from her since.

4958. Is there any person that you wish to advise you that your wife?—If it would not prevent her visit, I would like to see Mr. Butt. I understand the other prisoners have desired to see him.

4959. That is what I wish to understand.—That is, I say, if it would not prejudice my wife's seeing me.

4960. Certainly not.

4961. (Chairman.) With regard to letters, the Government have decided that the ordinary prison rules should be relaxed with regard to your communicating freely with any persons who come. You have hitherto been in separate confinement for the purpose of securing to the prisoners full opportunity to prepare their statements in quietness without being disturbed by going to work. As your examination is now postponed, we desire that that separate confinement should cease, and therefore you will return to the position in which you were before Friday last.—Thank you, my lord.

4962. (Mr. Bradrick.) You have nothing else that you would wish to add?—I do not know that it might be pertinent to the matter.

4963. (Dr. Lyons.) State whatever is occurring to your mind. Do not conceal anything now from the Commission.

4964. (Chairman.) With regard to letters, it is understood that the rule will be relaxed as to letter writing, but that must be understood as applying to letters written *bona fide* for the purpose of securing assistance; it will not be relaxed as regards general letters.

4965. (Dr. Lyons.) You have still a copy of this document?—[Regulations as to the facilities for making statements]. Yes, I have.

4966. Do you understand under clauses two and three what privileges are afforded you with regard to seeing your friends, to advise or assist you in making your statement now or hereafter?—Yes, I do understand it, sir. Messrs. Knox and Pollock, I understood from a letter from my wife, after their report—at least I thought so—misrepresented me, and that they did not treat me fairly. I am not asserting now that they did not, but it was my impression. I asked the Secretary of State if he would allow me to see a copy of the report, but he would not let me see it; so I intended to ask your lordship if I may expect such a privilege from you.

4967. (Chairman.) No, we are instituting an independent investigation, and are prepared to go into every allegation. We think as this is an independent investigation, that we are not justified in going into the merits of any previous inquiry.

4968. (Mr. De Vere.) I think I may be justified in explaining, that as this Commission is not in the slightest degree influenced in any way by Messrs. Knox and Pollock's report, and so it cannot militate against your interests before us, we see no necessity for making it the subject of discussion or consideration.

4969. (Chairman.) We will leave it out of consideration altogether.—Then I cannot go into any of the matters I did then?

4970. Yes, you can go into any matters that were said there, but what you said then will in no way prejudice you before us.—Well, then, my lord, what contributed to bring on that inquiry by Messrs. Knox and Pollock were some reports published in the newspapers regarding my treatment, and I believe one matter was a letter that I got out of prison myself, underhand, and I would ask to refresh my memory to be furnished with that letter, and the statements made by the public press.

1968. Was that a letter written by yourself?—Yes, my lord.

1969. A suppressed letter?—Not a suppressed letter, but a letter that I got out surreptitiously and which was printed, and which contained statements regarding our treatment.

1970. (*Dr. Lyons.*) Can you give us the date of it?—*Mr. Lyons*, if I get the opportunity to write to my wife and friends about these matters I can get them.

1971. (*Chairman.*) Well you had better get them in that way perhaps?—Perhaps I am delaying you, my lord.

1972. No; your evidence generally we will defer to a future day.

1973. (*Dr. Lyons.*) Is there anything further that

The prisoner withdrew.

The Secretary read the following communication:

1975. To the Commissioners appointed to inquire into the Treatment of Political Prisoners confined in England.

GENTLEMEN, Chatham Prison, 2nd July 1870.

HAVING been requested to write a statement to be submitted to your examination, on the treatment I have received in English prisons, and not feeling justified in doing so under present circumstances, I take the liberty of laying before you my reasons for adopting this course. In doing so I wish to be understood as simply accounting for my own conduct, not as making a vain endeavour to influence you.

It would be a foolish presumption in me to imagine I had any right to point out to you the manner in which your investigation should be carried out, and I should be completely forgetful of my present position, and of the character of the people in whose hands I am, to suppose you would let your mode of proceeding be influenced in the slightest particular by the opinion of a prisoner. I have no doubt your plan of operations is the one you deem best with a view to effecting the object you have in view, and no one can expect you to transact the business entrusted to you otherwise than as you may think proper, or according to the instructions you have received. If, in doing this, you fail to satisfy the prisoners or their friends, it is a thing you can well afford to disregard. The only way they can express their dissatisfaction is by abstaining from having anything to do with your proceedings, and these can go on without them.

After due consideration, and having waited for the best information that can be given to me, this is the course I have decided to follow. My reasons are the following:—In the first place, your inquiry is to be private; thus refusing the only guarantee—publicity—for the impartiality of its proceedings, that the circumstances of the case would warrant me in accepting. Secondly, its programme is incomplete, the instructions read to me by the governor being so worded as to exclude all inquiry into the truth or falsehood of the published reports of our treatment, and the official details of them, the report of Messieurs Knox and Pollock, and the treatment in Irish prisons. And lastly, the refusal to allow the presence of Mr. Hunt even to watch the proceedings on behalf of the prisoners, deprives them of the best chance of an impartial hearing, except in so far as depends on your sense of justice and freedom from prejudice, and gives every advantage to the authorities. I cannot reconcile the promise of impartiality with the reluctance to have the witnesses on both sides examined in the presence of a friend of the prisoners. I have no objection to be examined in presence of all the prison officials in England, if I,

you wish to tell the Commission? Do you fully understand now the facilities afforded you?—I fully understand, *Dr. Lyons*, all that you have said. I do not think there is anything particular I have to ask the Commission; anything which would be right for me to ask. Of course I had my suspicion about the inquiry, and what it would be, and I would like to see the press represented and matters made public, but it would be more prudent for me to say nothing, considering the gentlemen that form the Commission of inquiry, than to leave the matter to them.

1974. I did explain to you that we shall distinctly recommend it, and we think there may be no doubt of it, that the report and evidence will be published? Thank you, my lord.

or some one on my behalf, to allowed to hear their evidence, and see it subjected to the same strict examination as mine. The truth can always bear investigation, and as I know that any statement of mine can stand this test, I am perfectly willing to see it submitted to it, if I have a guarantee for the impartiality of those who conduct the inquiry. But I object to make a partial statement, and will make none, oral or written, except in the presence of a friend, or some person approved of by my friends. This I believe to be the only thing I can do, as matters stand at present, in the interest of truth and justice. If I thought I could serve them better by being compliant, I should be glad of it.

As I don't expect you to see things in the same light as I do, so neither can I let my conduct be guided, in an affair of such importance, by any but my own judgment; that is no doubt defective, but, such as it is, I prefer using it in depending on that of other people. Five years' bitter experience, to say nothing of the record of 700 men, have made me look with suspicion on everything emanating from the quarter in which your Commission has had its origin. The more promising the outward appearance, the greater is my distrust, and my apprehension that "things are not what they seem." You will, I suppose, attribute this to some distortion of my mental vision; but, be that as it may, I can see things around me through no other medium than that which nature has supplied me with. If a person shows me an object, telling me it is gold, and it appears to me, after careful examination, to be brass, I cannot think of it as anything else but brass. In the same way, your inquiry may be very impartial, but, as it appears to me, it is entirely divested of the usual characteristics of impartiality. I speak now of the nearer view of it, as seen from inside the prison walls by the light of the private instructions, not of the more distant prospect obtained through the advertisement and the "regulations" contained in it.

Thinking thus of it, I should be acting inconsistently to have anything to do with it.

If anything I have said above should be thought offensive, I beg to say that I have not the remotest intention to give offence to anyone, I only mean to be candid, and speak as to me to be misunderstood.

You will please consider this resolution of mine as final. In conclusion, I will say that I have never asked for an inquiry, because I believe that a complete and impartial one would not be granted; and that, if friends of mine or of the other prisoners did ask, it was for a public use.

I am, gentlemen, yours very respectfully,
JOHN DEVOR.

JOHN DEVOR, prisoner, examined.

1976. (*Chairman.*) Is John Devor your name?—Yes.

1977. We have wished to see you in order to explain to you that we are a Commission appointed by the Government, but at the same time quite in-

dependent of the Government, for the purpose of inquiring into the treatment of you and the other treason-felony prisoners confined in this and other English goals. The Commissioners are Dr. Greenhow, Mr. De Vere, Dr. Lyons, Mr. Beddick, and myself.

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J. O'Donnell
(Witness.)

5 July 1870.

J. Devos.
4 July 1870.

Lord Devon. Our object is to inquire fully, fairly, and impartially, into the treatment to which treason-felony convicts have been subjected, so far as they wish to state to us, or as we gather from other sources. Any statement that the prisoners may wish to make to us, either written or made by word of mouth, will be received by us. It will be made by them in a private room, out of the hearing of any of the prison officials. It will be taken down by a shorthand writer, and at the conclusion of the inquiry we shall recommend that our report and all the evidence shall be printed. Whatever may be stated here shall in no way prejudice the position of any man who makes a statement as regards his future treatment in the prison. There has been handed to us by the governor a letter from you dated the 2d instant and addressed to us. From that it appears that you, for reasons that you give here, decline to make any statement or to give any evidence before us. We asked you to come down in order that we might hear from your own mouth whether that be your intention, or whether you wish now or on the 15th, when we shall be here again, to make any statement to us?—No, my lord; I adhere to that.

4978. We shall be here again on the 15th and shall be ready if you choose to reconsider your determination and to be prepared to come and make a statement to us, to hear you that day?—Thank you, my lord.

4979. I will only ask you before you go, whether you have received from the governor a copy of this paper which contains an intimation of the facilities that will be given to treason-felony prisoners who may wish to make statements to the Commission?—Yes, sir, I have seen it, and also the other instructions.

4980. And also the other instructions. Have you been made acquainted with the regulation that if you wish to have any statement you may make, supported by any witnesses from without, you would have facilities for communicating with them?—Yes, I have been informed of it.

4981. If you change your mind between this and the 15th you will have an opportunity of making a statement to us.—(No answer.)

4982. (Dr. Lyons.) When did you get the official notice of the intended holding of this Commission?—Well, I cannot exactly remember the date, but it was the same day as all the other prisoners. I think it is 10 days or a fortnight ago.

4983. Did you get any notice in the course of last week?—I got a notice previous to last week.

4984. Within the last week did you get any notice of the proposed sitting of this Commission?—Yes, either Wednesday or Thursday evening, the governor sent for me and read for me from a written paper as far as I could see.

4985. How were you treated since that notice?—I was taken away from work and got paper and materials for writing to make a statement, and from Thursday

The prisoner withdrew.

J. McClure.

JOHN MCCLURE, prisoner, examined.

5003. (Chairman.) Your name is John McClure?—Yes, sir.

5004. McClure, I have to explain to you, first, the nature of this Commission. This is a Commission appointed by the government, but of persons entirely independent of the government, to inquire into the treatment of treason-felony convicts in certain prisons in England. The Commission consists of Mr. Brodriok, Dr. Lyons, Mr. De Vere, Dr. Greenhow, and myself, Lord Devon. We are charged to inquire, as you have probably learned from a paper that has no doubt been placed in your hands, into the diet, discipline, and treatment of prisoners generally, especially treason-felony convicts; and we have come here and shall come here again in a fortnight, to receive from the treason-felony prisoners here, any statements which they may wish to make with reference to themselves. Such statement may be made in writing, or by word of mouth, or in both ways. It will be made in private in

morning until I gave them out on Sunday morning. I have been kept from work ever since.

4986. You have been kept from work?—Yes.

4987. Where were you placed?—In my cell; in my own cell.

4988. In your own cell?—Yes.

4989. Were you allowed out to exercise?—Yes, separately, by myself.

4990. Were you allowed out to mass yesterday?—Yes.

4991. Did you go to mass yesterday?—Yes.

4992. Are you aware that you have permission to see your friends to advise you with regard to any statement that you would propose to make?—Yes.

4993. Do you fully understand those conditions?—I fully understand them. I fully understand them; but I also understand that to prisoners who wished to make statements, the visits up to this have been invariably refused.

4994. What is that?—I also know that whenever we have had visits up to this we have been invariably refused to be permitted to make statements.

4995. (Chairman.) What is your allegation?—You will understand me sir not making this as a statement of my own treatment. But as to the question, up to this time we have been refused to make statements of our treatment in visits and letters.

4996. (Mr. Brodriok.) Do you clearly understand that permission is now given you to see a friend, for the very purpose that you may confer with that friend about the very matter you mention?—I see it. That notice has been read; but I do not know of any friend coming.

4997. (Dr. Lyons.) Did you get a copy of that printed document?—I did.

4998. Have you it still?—I gave it out, because I was done with it.

4999. (Mr. De Vere.) Is there any friend whom you wish to communicate with, in order to advise or assist you in making any statement between this and the 15th?—No, sir, not under the circumstances, because I do not intend to make any statement. It would be putting my friends to unnecessary expense and trouble to see no under the circumstances.

5000. Might you not wish to consult with your friends as to whether you should make a statement?—If I could do so without putting them to expense I would. If I was in Dublin, for instance, I would.

5001. (Dr. Lyons.) Do you wish to write to your friends to consult with them as to whether you ought or ought not make any statement before this Commission?—No sir, because my friends do not know the circumstances I am placed in, and I have not been allowed to communicate freely with them.

5002. Do you understand fully that you are allowed freely to communicate with them with regard to the purposes of this inquiry; do you understand that fully?—I do, sir.

The prisoner withdrew.

this or some other private room, out of the hearing of any persons connected with the prison, and whatever that statement may be, it will in no way whatever interfere with the position or treatment of the person who makes it. Having said this, I wish to know, whether you are prepared to make any statement to us, or whether you wish to do so at any future opportunity?—Yes.

5005. I believe you have already had notice that this Commission of inquiry had been ordered?—Yes, sir.

5006. When did you receive that?—I received it on the 25th of last month.

5007. Was that the first intimation you had that the Commission was appointed?—That was the first official notice.

5008. You knew it from other sources before?—Yes.

5009. You have had, I think, this paper, giving an

explanation of the facilities that prisoners might have placed in your hands?—Yes.

5010. Was it from that gentleman [the secretary] you received the information on the 25th?—Yes.

5011. When had you the first information from the governor of the prison respecting this inquiry?—Well, on the same day on that afternoon he read to me a paper to that effect.

5012. Did he explain to you at the same time that facilities would be afforded you for bringing forward any witnesses you might have?—Yes.

5013. With regard to the support of any statement that you might make?—He did.

5014. And that facilities would be given to you for communicating with them by writing?—Yes.

5015. Having explained to you this, and having ascertained that you are acquainted with the nature of the inquiry, and the facilities afforded you for making your statement, I am to ask you do you wish to make any statement to us now, either in writing or by word of mouth?—I have written what I would wish to submit.

5016. Do you wish to be examined to-day, or do you wish to allow a longer period to elapse, in order to give you a full opportunity of communicating with your friends?—I made application to be allowed to see Mr. Motley, minister of the United States, and I have been unable to ascertain whether that application has been granted or not.

5017. To whom did you apply?—To the Secretary of State.

5018. (Mr. Bradrick.) How long ago did you apply?—On the 25th June.

5019. (Dr. Lyons.) Did you ask to see Mr. Motley?—Yes.

5020. To see Mr. Motley?—To see Mr. Motley.

5021. (Chairman.) Do I understand that you would desire to put in to-day that written statement that is in your hands, or that you would rather defer it to a longer period for an opportunity of seeing any friends that you have any desire to see. We can hear you to-day or to-morrow, whichever you prefer?—I have a paper made out that I intended to submit to you, and not being able to ascertain whether I can see this gentleman whom I asked to see, I do not know that there is any necessity for me to delay it.

5022. You do not wish to delay it on the chance of seeing Mr. Motley?—I would like to see him before I would make a statement.

5023. Probably your better course would be to hand in the statement to us now, and not to give oral evidence until we meet again?—Just as you like.

5024. (Dr. Lyons.) If you hand in the statement to-day, you can make any further statement in writing or orally afterwards.—Yes. Will it answer the same purpose if I wait for a couple of weeks' time, and then send in my general statement?

5025. (Chairman.) Quite the same purpose. The only thing is, that if you hand in your statement to-day, we shall have time to consider it between this and the end of the next fortnight, and should then be more prepared to ask you questions on it. You could then hand in a supplementary statement of that time if you liked?—The statement will not be very long, and if I hand it in, I should wish it to be general.

5026. Then you would rather defer it?—I think it would be better, sir.

5027. I should explain to you that by the desire of the Commissioners and for the sole purpose of giving full opportunity to the prisoners to prepare their statements, we recommended that you should be withdrawn from your ordinary labour, and be in separate cells for the purpose of enabling you the better to make those statements, which was the object we had in view; but as the inquiry is now not likely to take

place for a fortnight, we have asked that you should return to your usual habits. You will from this time be in the same position as regards association and other arrangements as you were before those days.—Thank you.

5028. (Mr. Bradrick.) Is there any other point on which you wish to have any explanation with the Commission?—No, sir, I think not.

5029. (Dr. Lyons.) Were you placed in a separate cell since you got the final notice of the coming of the Commission from the governor?—Yes; placed in a cell that I have been confined in for the last 15 months.

5030. Had you daily exercise?—Yes.

5031. Had you your usual clothes by day and night?—Yes.

5032. Is that a new jacket that you have on now?—It is a new jacket that I got a few days ago.

5033. How many days ago?—Well I should think about a fortnight ago.

5034. Had you permission to go to mass yesterday?—Yes.

5035. Did you go to mass yesterday?—Yes, sir.

5036. You had full permission, and did go to mass yesterday?—Yes, sir.

5037. Have you asked to see Mr. Motley in person?—I have, sir.

5038. Is there any other person whom you desire to see as a friend or adviser, before making your final statement, in writing or orally to this Commission?—I made application on the 13th of last month to be allowed to write to Mr. Motley, requesting him to employ the services of Mr. Butt to be present as the Commission, thinking at the time that that would be allowed, for the purpose of taking note of the proceedings in writing and sending information to the United States government, as I am a native of that country; not receiving any answer to that I made application to the Secretary of State in writing, to be allowed to have a visit from Mr. Motley, and I have not heard anything from that since, and therefore—

5039. Have you written to Mr. Motley?—No, sir; I have not written, but I made application to write.

5040. Do you wish now to write to Mr. Motley?—I would rather see him.

5041. But do you wish to write to him to inform him that you wish to see him?—I would.

5042. You would wish to do that?—Yes.

5043. Is there any other person that you would wish to write to, to inform him that you wish to see him?—Before the inquiry comes on?

5044. Yes?—Yes; I would wish to write to Mr. Butt.

5045. You would wish to write to Mr. Butt?—Yes.

5046. (Chairman.) You will have full facilities afforded you for writing to Mr. Butt or anybody else, provided it be for the purpose of endeavoring to obtain assistance or interviews with reference to the subject we have here, and so far as it forms a subject of inquiry. The Commission has recommended that the usual prison rules should be relaxed so far as to afford more frequent opportunities of writing on that subject than would be ordinarily the case. You will have full facilities given you to write to Mr. Butt or Mr. Motley. If you tell the governor, you will have full opportunity of doing so?—Very well, sir.

5047. (Dr. Lyons.) You understand now fully, that you may write to Mr. Motley and to Mr. Butt?—Yes.

5048. (Mr. Bradrick.) You also understand that it will not be possible for Mr. Butt to appear before us, but that you will be allowed to confer with him in your cell if he comes over?—I have been informed to that effect by the governor.

The prisoner withdrew.

CHARLES UNDERWOOD O'CONNELL, prisoner, examined.

5049. (Chairman.) Charles Underwood O'Connell?—Yes, in my name.

5050. I am to explain to you, in the first instance, O'Connell, who we are. This is a Commission ap-

C. O'Connell.

5051.—41.

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C. O'Connell.

4 July 1870.

pointed by the Government, but entirely independent of the Government, to inquire into the treatment, in respect to diet, discipline, and other particulars, of the treason-felony prisoners in the different prisons in England; your case amongst others. The Commissioners are Dr. Lyons, Mr. DeVore, Dr. Greenhow, Mr. Brodrick, and myself, Lord Devon. We have come here to-day, and shall again be here on a future day, to receive any statement, either in writing or by word of mouth, which you may wish to submit to us. Such statement will be made in privacy and in no way will prejudice your future position. It will be made out of the hearing of any of the prison officials, and may be made with perfect confidence that your position will not be the worse for it. Having thus explained to you the object of our visit and of whom the Commission is composed, I will just ask you when did you first hear of this Commission?—I have heard rumours of it. I could not tell you when first I heard of it; but I have heard rumours of it for the last two or three months.

5051. When did you first get official intimation of it?—I received official intimation of it on—let me see.

5052. Was it from that gentleman [Mr. Ollivant]?—Yes.

5053. (Mr. Ollivant.) On Saturday the 25th June?—Yes, Saturday the 25th June.

5054. (Chairman.) When did you first get any intimation from the governor of this prison about it?—I do not recollect, sir.

5055. Was it after that or before?—Oh, before it.

5056. Did he subsequently put into your hands a paper explaining the nature and objects of this Commission?—No, I got that on yesterday (*exhibits a paper*).

5057. I mean not this, but another paper. Did he read from a paper explaining the objects of this Commission?—At the same time that this gentleman [Mr. Ollivant] enounced it to me, the governor read a circular sent to him from Parliament Street, and to the governors of other prisons.

5058. Then you have heard that statement?—Yes, my lord (*identifies the document*).

5059. Then looking at these papers that have been put into your hands, and recalling any information that you might have received, are you fully acquainted with the facilities that you have for making any statement that you may wish to the Commission? Are you, for instance, acquainted with the fact that you might communicate by writing with any person out of doors whom you may wish to have come to assist you in making your statement?—I have applied already, sir, to the Secretary of State to allow Mr. Butt, Queen's Counsel, to assist me.

5060. Are you not in good health?—The doctors tell me I am suffering from heart disease.

5061. Sit down please (*The prisoner is given a chair*).—Thank you.

5062. (Dr. Lyons.) Put your papers on the table here. (*The prisoner takes his papers off the floor and puts them on the table*).

5063. (Dr. Greenhow.) Do not stoop.

5064. (Chairman.) You say that you have already applied for Mr. Butt?—I have already applied for Mr. Butt, and my cousin, Thomas Neilson Underwood of Strabane in Ireland, and the Secretary of State has positively declined to allow these gentlemen to be present. He says it would not be for the interests of the inquiry, or the truth of it, or something to that effect; the usual words.

5065. The refusal, you understand, is to permit them to be present, but not to their visiting you in your cell in order to assist you?—I have since been told that I may have assistance and have applied for it. I was told on last Saturday—no, on yesterday, I believe—yes, Saturday I was told that I might write to Mr. Butt, and I have written for him and asked him to tell my cousin to come also.

5066. Having written that letter only recently, and not having received the answer, you probably would

wish to defer your statement until you would have an opportunity of seeing them if they come?—Yes, I would wish to have their assistance, because the state of my health does not enable me to do the justice to my case that it requires.

5067. Therefore you would wish to defer any statement you may make for a future day?—Yes, but in the meantime I wish to tell you, sir, that I wish to ask, is this inquiry a public one?

5068. No; it is not a public one. The report and evidence will be made public afterwards; but the inquiry, in the conduct of it, is not a public one.

5069. (Dr. Greenhow.) All that you say will be taken down by a shorthand writer—Just within the last five minutes I received my suppressed letters. All my letters with my family have been systematically suppressed all along. I have applied for my suppressed letters and have got them only a few minutes ago.

5070. (Chairman.) Do you wish to bring that before us now?—I wish to tell you, gentlemen, how I have been dealt with. I have been most cruelly dealt with. I understand that I have been officially represented in good health, while the doctor tells me I am suffering from heart disease, and he is not allowed to do anything for me.

5071. (Dr. Lyons.) Who told you that?—Dr. Burns, the medical officer of this prison.

5072. Dr. Burns has told you that he is not allowed to do anything for you?—I will tell you, doctor, I will give you his exact words.

5073. You have stated that.—Bear with me for a moment. Will you allow me, my lord and gentlemen, to read the last letter I wrote to my father?

5074. (Chairman.) Yes.—My father and family have not heard a word from me since I was made a prisoner, now going on five years.

5075. How many letters have you written during these five years?—I have written five letters, and four of them have been suppressed. They are now returned to me by the governor within the last quarter of an hour or so. I just got them when I was coming in here.

5076. (Dr. Lyons.) You have written five letters, and four of them have been suppressed?—Yes.

5077. (Chairman.) Have you got these four letters now in your hand?—I have, sir. These are the only two letters that I ever received from my family since I came to prison. They are from my brother. My family reside in Lafayette, Indiana, in the United States. "My dear Charles," he says, "Words are inadequate to express the way we feel since your 'imprisonment.' Oh, that is not it. This last one I got in April. He says, 'Dear Charles, I write this 'time through Mr. Motley. How is it we have not heard from you since your arrest? We are miserable about you.'"

5078. (Dr. Lyons.) What is the date of that letter?—April the 20th, 1870.

5079. (Chairman.) Did that letter reach you?—That letter reached me through Mr. Motley.

5080. It was addressed to Mr. Motley?—It was addressed to Mr. Motley, and it was handed to me by the governor. Here was my reply; it was suppressed—

" Sir,
Chatham Prison, 12th May 1870.
" I HAVE received a note from my brother " which he states he writes through you." This is addressed to Mr. Motley. " May I therefore take the " liberty of requesting you will please to forward " the following letter to my father, John O'Connell, " Lafayette, Indiana, United States.

" I am, sir, yours very respectfully,
" CHARLES UNDERWOOD O'CONNELL.
" John Lockport Motley, Esq.,
" United States Minister, London."

" Chatham Prison, 12th May 1870.
" MY DEAR FATHER,
" John's very short but truly affectionate note " of the 20th April last which he states he writes " through Mr. Motley, United States Minister, was

"handed to me by the governor of this prison on the 9th instant, and I now address this through the same channel in hopes it may reach you. I am unable to express the relief it brought to my mind to find that you and my dear sisters and brothers are alive and well after such a long absence of all intelligence of you as I have had to endure. The sad news of the death of poor Sculler and O'Doherty was the only drawback to John's otherwise most welcome and cheering visit. I shed not a few tears in my lonely cell over the loss of our dear departed friends, and then detached to heaven a fervent 'requisite in peace.' Poor Margaret! may God comfort her. I trust she bears her bereavement with fortitude and resignation to the divine will. And so you are to this day without a word from me since my arrest, so am I without a word from you since I was made a prisoner in September 1835; but I now find you wrote to me, and that your letters met the fate of mine to you; all were suppressed or intercepted. No words of mine could tell the anxiety I have suffered about you all during these long weary years. My letters to you and to my kinsman Underwood were suppressed because I alluded in them to the state of my health, and the treatment which had stopped and shattered it, I felt in duty bound to speak of the course of treatment under which I was liable at any moment to sink; and had I died silent on this subject and not spoken of it in my letters the British authorities could then point to these letters and say I had no wrong to speak of, and that I was fairly and humanely treated. Of the manner of my arrest in Cork harbor before I could set foot on my native Irish soil, or commit any overt act against British law, of my trial in Cork, and the treatment I have since endured in these English prisons, I am forbidden to speak, and I refrain from saying a word that might cause the British authorities to keep this from you, and thereby continue to keep you all in such harassing anxiety to hear from me. I have as has been permitted to receive a visit, a right hitherto persistently denied me. On the 3d instant I was visited by Mr. Callan, M.P. May I take a glass of water?"

5081. (Chairman.) Yes. (Prisoner called.) "On the 3d instant I was visited by Mr. Callan, M.P., who is a friend of my kinsman Underwood. I was surprised to learn from Mr. Callan that the Home Secretary, Mr. Bruce, had positively denied certain published statements about my health and treatment, and that he stated I was in sound health, and did so on the authority of a doctor, who told me 'you have heart disease,' and who, when I asked him for something to ease the pain said to me, 'medicine is no use to you, it is not what you want, you want change of food, better food, and that I am not allowed to give you.'"

5082. (Dr. Lyons.) Who was that doctor?—Dr. Burns, the medical officer of this prison.

5083. (Mr. De Vere.) When was that statement made to you?—I cannot tell you the exact date of it, sir; but he made the statement to me some time about the month of October I think; yes, some time in October.

5084. On what occasion did he make it?—Coming around, sir, as usual to visit us. He asked me how I felt, and I told him.

5085. Was anyone by?—No—oh, there was some of the warders.

5086. (Chairman.) Can you name any of the warders?—No, I do not recollect which of the warders were there. "Medicine is no use to you; it is not what you want; you want change of food; better food, and that I am not allowed to give you." He also added, 'I could cure you if I had you out—'side free; but I am not allowed to give you what "would cure you here." Again on the 21st December last, when I was lying in my cell, for there is no hospital or hospital treatment for me, so weak that I was unable to rise, this same doctor seeing I

"could not get out, said to me, 'Why don't you try to eat?' 'I can tell you that in the state your heart is in you have not long to live if you don't eat.' I then said to him, 'Doctor Burns, how far gone must I be before the exigencies of the service will allow you to take "regulances of my state." He instantly replied with emphasis, "to the last possible extremity; the Secretary of State has positively refused to allow any change in your food or treatment."

5087. (Dr. Greenhow.) Dr. Burns said that?—

Yes, sir; I am prepared to confirm on oath everything that I now tell you, gentlemen. These are the exact words:—"The Secretary of State has positively refused to allow any change in your food or treatment." I told these things to Mr. Callan, and more or less, so it is likely you will have heard of me before this. Guess who came to see me the other day, all the way from Cork? My nurse, poor Mary Murphy; the faithful soul is in good health, and as active as ever. She lives in Cork with a family of which she speaks in the highest terms. She could not tell me a word about you. She says cousin Morgan and his two sisters are in America, and their poor mother is dead. Now a word as to my health. It is true my nervous system is shattered, the action of my heart is often painful and distressing, and that my appetite and digestion fail me. Yet I think my case is not incurable if I had only a fair chance for my life. My mind holds out all right, and I am perfectly resigned to the will of heaven. Should it please God to bring me alive out of this imprisonment, with what delight I shall meet you all again. I can then look back with a pleasing smile upon the many dark and trying scenes of this captivity. Be assured I am of good cheer, and thus hope the vital flame of faith and love, ever burns as brightly in my breast as my warmest friends could desire. I wish you to convey my esteem to my old colonel, and to remember me most kindly to all my friends in New York and elsewhere. I am in daily expectation of a letter from Underwood; I love him not alone as being my beloved mother's nephew, but also for his own purity and worth. A day or two before George Henry Moore died, he had arranged with that noble spirit to visit me. Alas! he is gone for ever. May the light of God's glory shine upon him! Let me have a long letter from you, as the longest you can write will count no more against me than the shortest none. I want you or John to write to me in future the first of each month. I shall then know when to expect it, and if it is not given to me perhaps I may be told it has come, and even that will be something. Tell me all about yourself and poor Margaret, Anne Maria and Kate. I fondly trust John and Morgan are a comfort to you, and that they are diligent in the pursuit of useful knowledge. I am much pleased with the nice note John writes, and the admirable christian confidence that animates him. You are all ever present in my heart and memory, day and night, asleep or awake. I have now only to ask you will remember me in your prayers, and believe that I am, my dear father, your affectionate son, CHARLES UNDERWOOD O'CONNELL."

5088. (Chairman.) Did that letter reach your father?—No, my lord; it was suppressed.

5089. Are you quite sure that no part of it reached your father?—I have no reason to believe a word of it did.

5090. It has never been answered?—Don't you understand, my lord; it has never been out of the hands of the prison authorities.

5091. You have never had any reply to it?—No, my lord.

5092. What reason have you for knowing that no part of it ever reached your father?—Oh, I feel perfectly satisfied. I have no reason in the world for believing that any part of it did.

5093. (Dr. Lyons.) Were you informed that that letter was suppressed?—Never, doctor.

5094. Did you get permission to write another

C.O. O'Connell. letter in place of it?—I was told I could write another.

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5095. Did you do so?—I wrote to Mr. Medley.

5096. To Mr. Medley?—Yes. As I failed in my attempts at communicating with my family I wrote to Mr. Medley, telling him I had written to my father in answer to this letter from my brother; and calling on him to lay those facts before the United States Government with the view of that Government taking such steps as they may deem necessary to obtain this letter and have it forwarded to my family.

5097. Have you any reason to know that the letter went to Mr. Medley?—No, but the governor tells me he forwarded it.

5098. That it was forwarded?—Yes.

5099. Can you remember the date of that letter?—I can.

5100. What was the date of it?—I think the 16th September—no, no, the 16th May.

5101. (Chairman.) That letter to your father is dated the 12th I understand?—No, my lord, it is dated—yes, the letter to my father is dated 12th May.

5102. Then, as you were subsequently told that letter could not go, you said you would write to Mr. Medley?—Yes.

5103. And you did write to Mr. Medley?—I wrote to Mr. Medley. I cannot say whether that letter has ever reached him.

5104. (Dr. Lyons.) You never got any answer from Mr. Medley?—None whatever. I have but the governor's word for it that it was forwarded.

5105. (Mr. Brodick.) You said that other letters were suppressed?—All my letters have been suppressed. The only letter that went from me since I came here was one, and I can understand that that letter was manipulated, I may say constructed, in a way that my own cousin did not know me from the way we write to me.

5106. When was that letter sent?—The only letter that was sent from me since I arrived at Chatham was the one I wrote on the 18th November to my cousin Thomas Nelson Underwood.

5107. Was that a letter on recognition?—There! there are two letters I wrote on recognition, and these letters were suppressed.

5108. Were you informed of that suppression at the time?—I was.

5109. And were you offered permission to write other letters instead of them?—After the first one was suppressed I was told I could write another. I wrote another, and that was suppressed. I wrote again, and that was suppressed; and as that I would write them they were suppressed.

5110. You wrote as many as three letters on the same occasion announcing your reception?—Yes, and all were suppressed, sir.

5111. Was there a third besides those two letters that you have there? Are you sure that you wrote more than two on that occasion?—On the occasion of my reception?

5112. Yes?—I have written three, sir.

5113. What are their dates?—Here is the first one I wrote.

5114. (Chairman.) Was that one of the reception letters?—Yes.

5115. What was the first letter that you wrote after coming here?—This is the first letter, my lord, it is dated the 14th April 1869. Shall I read the letter, my lord?

5116. If you please; just as you wish.—“My dear Thomas,” this is to my cousin; “I wrote to you on the 23rd July last from Millbank, but have never received a word in reply since. I wrote to you again from this prison on the 3rd instant telling you of my weakness and anxiety, and the absence of all intelligence of my family and friends.” Oh, I have made a mistake, this is not the first. The 3rd of April was the first: “My dear Thomas, I cannot give you an idea of the anxiety and weakness I have felt at not hearing from you in reply to a letter I wrote to you from Millbank on the 23rd July last,

“but I must say that I am now certain the flesh is not yours, as that very letter never reached you. On the 2nd November, after three months suspense I asked the governor of Millbank, who told me that my letter was duly forwarded to you, to write to you to enquire if you had received it. The governor more than once told me he had done so, but had received no reply to his inquiry. Under these circumstances when I became due to write on the 26th January last I addressed a letter to Mr. Patrick O'Connor, of Dublin, brother to my liberated friend and companion, Mr. James O'Connor, telling him how I felt about your absence, and requesting him to call on you and let me know if you had received my letter. To this letter to Mr. O'Connor also I have received no answer. James O'Connor knows of this matter, and I expect he has called to tell you of it. The visit several in the land is allowed to receive occasional visits from his friends every year, but this right has never been granted to me. On the contrary every application of mine for a visit has been refused, though I am more than three years and a half in prison. About six months before my removal from Portland to Millbank I asked for a visit, and Governor Clifton, after having laid the matter before the authority in London, informed me that the Secretary of State had decided that it was not expedient that I should be allowed to receive a visit.”

5117. That was at Portland?—That was at Portland, yes, my lord. “On the 26th May last I was removed on punishment from Portland to Millbank, where I was kept undergoing a second course of solitary confinement till the 15th of last month, on which day I was brought here. When brought to Millbank my nervous system was completely shattered, and I was so physically prostrated that I could hardly walk. I remained on the invalid list there up to the day of my removal here. Since my arrest in September 1865, I have had to undergo altogether about 18 months solitary confinement, and though I was never very stout, yet I have lost no less than 28 pounds of flesh during this imprisonment. I am not allowed to say anything about the treatment I have received; but the fact that I have never succeeded in getting a visit is a clear proof that the British Government are afraid or ashamed to have their treatment of me known. However, I have the satisfaction to know that whether I pass out of their hands sooner or later, dead or alive, their treatment of me will yet come to light before the world. The truth cannot always be hid. On last Monday week I was summoned into a room, where with the deputy-governor was a gentleman, who introduced himself to me as Mr. Hoey.”

5118. (Dr. Lyons.) Who was he?—Mr. Hoey.

5119. Was he a Dublin man?—I do not know, sir.

5120. (Mr. Brodick.) There is a gentleman of that name well known in the literary world.

5121. (Mr. De Vere.) Is that John Canale Hoey?—“It took me completely by surprise, as I did not in any way seek or expect such an interview; but as he said you wished him to see me, I of course had no objection, though I think it is rather hard that when I applied the second next day to the governor for a visit, I was refused as usual, and told that on arriving here I have 800 marks to earn before I am permitted to receive a visit. Mr. Hoey asked me if there was anything I wished him to do for me politically. I emphatically said no; that I looked to my Government, the United States, for my release. My honour is far dearer to me than my life, and you may rest assured I will never do anything to tarnish it. I am delighted that General Grant is President of the American people. I have the highest confidence in him, and firmly believe that the honour and prosperity of the United States are safe in his hands. Have you heard lately from your kinsman, Judge Underwood, and your other relations in the United States' senate. When you are writing to him again I will thank you to convey

"to them my best and most grateful regards for the efforts which you told me they made to effect my deliverance. I have had no word of my family yet. I wrote to my father from Portland in November '81, but I have never heard anything in reply. Most likely my letter never reached him. It would be a great relief to my mind to hear from them, after such a long absence, of all intelligence of them. Please to drop a line to my father: address, Post Office, Lafayette, Indiana, United States, to tell him to write to me, and that I wish him and my brother-in-law, Titus Seallen, my brothers and sisters, and Mr. O'Doherty, to be assured of my warmest affection. Now, Thomas, my dear fellow, I want you to tell me all about yourself, and what was the nature and result of the appeal you were about to make to the House of Lords when I heard from you last in Portland. Write to me, on receipt of this, and let your letter be quite a long one. Writing can be no trouble to a man who can turn out historical novels. More power to your elbow, as they say in Ireland. It was Mr. Hoey who told me of your Donald O'Neill. How I long to read it. Give me an extract or two from the reviews on it. Copy them into your letter. Mr. Hoey also said you did not get my letter. You know I write to you whenever I can. I have never written to anyone else save the two letters to which I have alluded." These were the letters to my father. "When in London again I wish you would try to visit me. I hope my kinswomen, Jane and Susan, are well. Kindly give them my loving regards. Have you any account of poor Kate, that is a cousin of mine, our uncle Charles's daughter. "I have now only space to say that notwithstanding what I have passed through, or may yet have to pass through in this penal servitude, believe me, my dearest kinsman, or Thomas, that I am your heart and soul, and with God's help shall ever continue to be the same—CHARLES UNDERWOOD O'CONNELL." That was the first letter, my lord.

5122. (Chairman.) That was April the 3d?—Yes. 5123. (Dr. Ligon.) On the face of this letter I see it is marked "cancelled by order of the director 3, 4, 69, in lieu;" what does that mean?—I do not know.

5124. (Chairman.) That was the first letter you wrote?—Yes. I do not see why that "in lieu" should be put on it, because it was my right to write that letter.

5125. (Mr. Brodrick.) It may be a note on this letter that another letter may be written to Ben?—But, my lord and gentlemen, this was the first at communication on my arrival here.

5126. (Dr. Ligon.) When were you informed that that letter was suppressed?—I can tell you; I have it here. I cannot recollect, doctor.

5127. Well, can you state whether you got permission to write a letter in place of this letter suppressed?—I did, doctor, a second letter. I wrote in lieu of it. This is that one of the 14th.

5128. The one on the 14th was written in lieu of that?—Date 14th April 1833, written in lieu of the one of 3rd April.

5129. Who was the governor at that time; Captain Powell?—Yes, Captain Powell. The date of this letter is 14th April.

5130. Do you wish to read it?—I do, my lord, if you have no objection. "My dear Thomas, I wrote to you on the 23rd July last from Millbank, but have never received a word in reply since. I wrote to you again from this prison on the 3rd instant, telling you of my uneasiness and anxiety at not hearing from you, and the absence of all intelligence of my family and friends for years. Now, from the manner in which I wrote that letter I did hope that it had reached you this time. Judge of my surprise then when informed by the Governor on yesterday that the directors had suppressed my letter because I had merely alluded to the shattered state of my health, which they now very considerably say is owing to my violation of the prison rules and con-

tinuation with others. Well, after all I have seen, heard, and felt, since I was made a prisoner, I should not wonder at anything, but really this last piece of British official information has more than surprised me. Language fails to convey to you an adequate idea of the numerous smirks and constant persecutions inflicted on me by the directors and their subordinates, with the thinly disguised view of reducing me to insanity like Carey and Ahern."

5131. (Dr. Ligon.) Who was the last you have mentioned?—A political prisoner that went out of his mind in Millbank.

5132. Ahern?—Ahern.

5133. What is his christian name?—I do not know the christian name, doctor.

5134. What do you know about him; how do you know that he went out of his mind?—I was told it in Millbank.

5135. By whom?—Oh, by a fellow prisoner of mine. He was in the same ward with me for a while, and he had a few words with me.

5136. Did you know the man personally whom you have referred to there?—Ahern?

5137. Yes?—I have met him at exercise in the yard at Millbank.

5138. Do you know that his name was Ahern?—Do I know that his name was Ahern? Yes, doctor.

5139. (Mr. Brodrick.) Was he convicted under the Treason-bill Act?—Yes, I heard so.

5140. (Dr. Ligon.) But you do not know?—I do not know.

5141. You believe that the name of the party that you refer to to have been Ahern?—I believe his name to have been Ahern. He remarked to me, "They are treating me like one out of his mind; they won't give me a knife to cut my food before I would cut my throat." I heard in a few days that he had a straight jacket on. "Or of consigning me to an antislavery grave with Lynch and Duffy. Hitherto I have baffled all their nefarious efforts, but the state of my health at present indicates their success at no distant day. I may add that in their treatment of us the directors receive all their inspiration from the Home Office. If we speak to governor or other official about our treatment, they hesitate not to tell us that all is done by order of the Secretary of State. Only think of what the doctor said to me a few days ago, when I applied to him about my health, and ventured to remark that prevention was better than cure, 'Yes,' said he, 'but we are not allowed in certain cases to adopt preventive measures.' I will tell you that in fact, my lord and gentlemen, I arrived here from Millbank in such a weak and shattered state that the heavy boots were too much for me to wear, and they made me quite lame. My socks were quite swollen. I was lame and not able to walk. I showed the doctor my foot and my sock swollen, and said, 'Will you allow me to wear my shoes instead of boots.' "That is a thing," said he, "I could not allow; when the boot has worked a sore on it," he said, "I will try and cure it."

5142. "When the boot has worked a sore on it. I will try and cure it."?—When the boot has worked a sore on it I will try and cure it."

5143. Are you positive of that?—I am perfectly positive. My comrades were all pleased.

5144. (Chairman.) Can you tell the time at which that happened?—On my arrival from Millbank in the month of March '60. I have it down here, my lord.

5145. (Dr. Ligon.) What doctor was that?—Dr. Burns.

5146. I would like to know the facts of this. Dr. Burns said that to you: on what date?—Here it is. The heavy boots, on leaving Millbank and coming here, made me lame and swelled my ankles. Dr. Burns visited us, and I applied to him to be allowed to wear shoes. He said, "I cannot let you wear your shoes, but when the boot works a sore on your foot I will try to cure it." "But," said I, "Doctor Burns, is not prevention better than cure?" "Yes," said he, "but I am

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not allowed, in cases like this, to use preventive means." Rossa mentioned it in one of his letters to his wife, which was suppressed.

5147. What date was that, can you remember?—I do not know the exact date, but it was in the month of March '69.

5148. Who were present?—There were present Jeremiah O'Donovan Rossa, William G. Holpin, Richard O'Sullivan Burke, John McChere, and John Devoy.

5149. Do you suppose that they all heard this?—They all heard that. I am quite certain that Rossa, Holpin, and Devoy recollect it distinctly, because we were speaking about it only a few days ago, before we were separated here from each other. I am perfectly sure they recollect it, because we were speaking of the matter to each other. This is the continuation of my letter, sir, of the 14th April:—

"Now what was the combination to which they refer, and of which I thought they should be the last to speak?—I will tell you:—In Portland, on the 4th May last, myself and thirteen of my companions refused to work. Of this number five of us, including myself, were picked out, and on the 20th of the same month sent to Millbank, where I was explaining that offence, till the 15th of last month, when I was brought here. When brought to Millbank my nervous system was so completely shattered, and I was so physically prostrated, that I could hardly walk, and I remained on the invalid list there up to the day of my removal here. Mark, this was the shattered state of my health for twelve months before the combination of the 4th May, and in which the two Commissioners found me when they visited Portland and recommended my removal to the invalid prison of Woking. This was the combination of Messrs. Knox and Pollock.

"What we suffered before we refused to work is not to be told in words, and can hardly be exaggerated by any fancy, however vivid. Suffice it to say, that I patiently bore cold, hunger and hardship, such as no patriot and political prisoner in the world's history was ever subjected to. I had to wash the dirty hospital clothes for all the criminals of the country. I had to empty privies and to subvert a thousand other indignities, and I had to work in the quarries and how stones, exposed to every vicissitude of summer's heat and winter's cold. The horrors of the winter of 1866 and 1867 we can never forget. Our work was measured, and if we did not come up to the required standard we were severely punished. In short, they kept torturing us till we could endure it no longer, and at last we refused to work. They have completely cut me off from all communication with the outer world, and every effort of mine to obtain a visit has failed, though I have never laid down. When there was no pretext to refuse me a visit in Portland, the governor of the prison, after referring my application to the authorities in London, informed me that the Secretary of State had decided that it was not expedient that I should be allowed to receive a visit. As I said in my suppressed letter, the British Government are afraid or ashamed to have their treatment of me known. However, I have the satisfaction to know that whether I pass out of their hands dead or alive, the truth will yet come to light before the world."

5150. What visit do you refer to there?—A visit I asked for in Portland.

5151. From whom?—I asked to see my cousin. No, let me see, was it my cousin I asked to see—I forget now who I asked to see.

5152. You forget whom you asked to see?—I am not certain, but I think it was my cousin; either that or the sister of one of my companions, Miss O'Leary. I am not sure who of them.

5153. (Chairman.) That second letter you think was suppressed also?—I am positively sure, my lord. If it was not suppressed I could not show it to you now.

5154. Were you told that it was suppressed?—I was,

my lord; and here it is marked on it "second letter suppressed," signed W. Fagan; that is the director. He has marked it. "Not allowed to write in lieu."

5155. (Dr. Lyons.) Whose writing is that?—I do not know, sir.

5156. (Mr. De Vere.) You were asked what was the date when you were acquainted with the suppression of the first letter and could not tell. I think you can give it now. The date of your second letter was 14th April, and you say in that letter that you received notice the day before that your letter was suppressed?—Ah, perhaps that is it. In the last letter I read, sir?

5157. In the letter of the 14th it would appear from that that you received notice of the suppression of the previous letter on the 13th. Let me ask you that question, so as to get it in evidence?—I am looking for the letter of the 14th, sir.

5158. (Mr. Broadrick.) Here it is.—"I wrote to you on the 23d July last from Millbank." This is the letter of the 14th. "I wrote to you on the 23d July last from Millbank, but have never received a word in reply since. I wrote to you again from this prison on the 3rd instant, telling you of my loneliness and anxiety as not hearing from you and the absence of all intelligence of my family and friends for years. Form the manner in which I wrote that letter I did hope that it had reached you this time. Judge of my surprise then when informed by the governor on yesterday that the directors had suppressed my letter, because I had merely added—'Yes, I was informed on the 13th.'"

5159. (Mr. De Vere.) Then you are able now to say that on the 13th you were informed of the suppression of the letter of the 2d?—Exactly.

5160. Then it was 10 days written before you were informed of its suppression?—Yes.

5161. (Chairman.) You say that you have written five letters, four of which have been suppressed. These are two. What are the other letters which have been suppressed?—The other two letters, my lord, one of them I have read for you.

5162. You have read three letters, 3d April, 14th April, and 13th May?—The other letter is a letter to my father dated 16th September.

5163. In what year?—'69, my lord.

5164. (Dr. Lyons.) What is the date of that letter, please?—16th September '68.

5165. Is this your third letter?—This is my third letter. May I read this letter?

5166. (Chairman.) If you please.

5167. (Mr. Broadrick.) Before you read it let me ask you, did you write any letter between the one that you last read and this?—No.

5168. You did not write any letter that was allowed to go, between the 14th April last year and the 16th September last year?—Let me see. No, I did not, sir; no. The letter that was allowed to go was a letter written after this one:—"Charles Fennell, this is to my father, '16th September '68. My dear father, John's most welcome note of the 19th May last was headed to me on the 24th of that month. I cannot tell you what an ease it was to my mind to hear that you and all the family were alive and well, after four years of the most distressing anxiety, and total absence of all family intelligence whatsoever." This is the first word I heard from my family for four years; this letter from my brother John. "I will not attempt to tell you my feelings on learning from John that you never received a letter from me, and that you are to this day without a word from me since I was made prisoner. Perhaps you will be surprised to find that your letters also have been suppressed or intercepted and that I remain without a word from you since the hour of my arrest. I should never have known that you had written to me if John had not mentioned it. Of the manner of my arrest before I could set foot on my native land, of my trial by a packed jury, of my conviction upon false and perjured testimony, you are doubtless aware from

"the newspapers of that time. But what I have endured in these English dungeons the great God alone knows. Pentonville was the first English prison to which I was consigned. On arrival there I was deprived of my flannel underclothing, and left in my dismal solitary cell to shiver with cold and hunger all through the winter. It was the specially severe treatment to which we were subjected there that killed poor John Lynch, and but for the perfectly sound and vigorous constitution I then possessed, and which was first sapped there, I too should have succumbed. In Portland they commenced by putting us to wash for all the criminals of the country. The hospital clothes were specially selected for me to wash. I had also to empty potties and clean waterclosets. We were next set to work to the heaviest labours in the quarries. It would take volumes to give you a bare idea of our sufferings through the horrors of the winter of '68 and '67. My old friend James O'Connor, from whom you must have received a letter after his release, can tell how they forced and worried us there, forcing me to seek work beyond my strength, and then punishing me if I did not come up to the required mark; how I got a second dose of solitary confinement in Millbank, where I remained on the invalid list for 10 months. Such was my prostrate state after Portland that I could hardly walk, and the doctor said he would give me a rest with a support for my back while at work, at which they kept me all the time. They took care not to give me the sun, nor to send me to the hospital; it would not suit their purpose. I wrote two letters to my dearest cousin Thomas Nelson Underwood since I was brought here on the 15th March last, but they were both suppressed by the authorities in London. The first letter was suppressed, because I alluded to the state of my health. The second was suppressed without assigning me any reason whatever. I chanced to hear by a visit John Derry had that my cousin had written to me, and that his letters were returned to him. The object of the British authorities in thus cutting me off from all communication with you and my cousin and the outer world is clear, and can be told in a few words. They know that I am now suffering from heart disease and shattered nervous system, the result of the brutal assiduous treatment I have undergone at their hands for the last four years. They are disappointed to find that I am still alive, notwithstanding all the bodily torture I have gone through; and knowing well, scientific and well-practised torturers as they are, what anxiety of mind is certain to accomplish, and that dead men tell no tales, they have continued to do me to death by depriving me of all knowledge of my family and friends. Mr. Gladstone characterized the treatment of the Italian in Neapolitan dungeons as the negation of God. Vengeance has no forgiveness. He cannot now see that his treatment of us is the negation of God and man. I was due a visit and asked to see Mr. George Henry Moore, M.P., and Mr. J. F. O'Donnell, but Mr. Bruce put his veto on it. They fear to have the truth known, and will not let us see anyone. Should you hear of my death, which may occur at any time from the nature of the disease the doctor here tells me I have, I wish my friends to demand my body and lay me in the same grave with my beloved mother, and believe no official intimation that may be made respecting me. Give my love to Margaret, Tina, Anna Maria, Kate, John and Morgan, and to all my friends. I beg you will all remember me in your prayers. God be with you all. Write at once, and believe me to remain, my dear father, your lovingly attached son, CHARLES UNDERWOOD O'CONNOR. To Mr. John O'Connor, Lafayette, Indiana, United States of America." This was the letter to my father, my lord, suppressed by the director 25th of the ninth month '69. I got these letters, as I tell you, about five minutes before I had the honour of being

summoned into your presence; and I was not a little indignant to see what the doctor had marked on the last letter I wrote. He remarks here on it.

5168. (Chairman.) The doctor?—The doctor, sir.
5170. (Dr. Lyons.) What letter is this?—My last attempt to communicate with my family, addressed to Mr. Molesley, United States' Minister.

5171. Let us take these letters in order. Is this the fourth letter?—My lord and gentlemen, I am not going to mix my case in order.

5172. Oh, no; we quite understand that. Is this the fourth letter?—Yes, this is the fourth letter, doctor.

5173. Was there a letter that passed out in the interval?—Yes, my fourth letter passed out. That is a letter I wish to say a few words about.

5174. Wait now. The fourth letter was allowed to pass out?—Yes.

5175. What was the date of that letter?—The date of that letter was the 18th November.

5176. The 18th November, was it?—Yes, the 18th November, doctor.

5177. In what year?—'69.

5178. What did you want to say about this letter?—I wanted to say about it, sir, I was told first that that letter would not be sent at all.

5179. (Chairman.) The fourth?—The fourth, my lord. That was to my cousin. I was told it would not be sent; afterwards I was told it was sent, and I suspected something. I went up and asked the governor if there was any of it obliterated, and he told me there was. Now, I have reason to believe that they so obliterated and manipulated that letter, I may say destroyed it, that my own cousin did not know me when it reached him, for he says to me here: "Somerset, Tyrone, Ireland, the 8th December. 'My dear Charles,' my master I see was posted in Chatham, 2nd December and delivered there on the 8th—"

5180. (Dr. Lyons.) On the 2nd December?—On the 2nd December. "In July last I wrote to you" to Clatham. My letter was returned with the statement that it was not due to you to receive it, and also that it consisted of more than one sheet of paper." I shall refer to this matter afterwards. "Pray," he says, "to put this idea away from you. It is duty to yourself, your family, and your friends, you should not give way to despondency. In truth you ought to be more of a Christian man than to permit despondency to master you." I believe he has received this impression not alone from my letter that they destroyed, but from official statements also made about me, because the doctor tells me to my face I am starving myself to death. Now if I were to yield to despair, I would not be alive at all. "I have seen very deplorable consequences to your health, but never believed you would give way to nervous anxiety." It is true that my nervous system is shattered, but I cannot help it. "My friend mentioned you were excited." Well, that is irrelevant here, but I just merely refer to it to show you how I have been misrepresented.

5181. Did you quite understand from the governor that part of the letter had been obliterated?—Yes, he told me so; he told me so.

5182. (Chairman.) Did he show you the parts?—No, the letter was gone out then, my lord. I asked him to tell me the parts obliterated, and he told me he was not at liberty to do that.

5183. (Mr. De Vere.) Can you give any explanation why the letter written by you on the 18th November was not posted until the 2d December?—If you ask my opinion, my opinion is they were debating amongst themselves whether they would send it or not, and that they made up their minds it was better to send it, first consulting it as I say. How is a matter I wish to call your attention to.

5184. (Dr. Lyons.) This is the fifth letter, is it?—There are only four letters here altogether.

5185. Yes, but this is the fifth you wrote?—Yes.

C.E.O'Connor.

4 July 1878.

C.D.O. Canada.

4 July 1870.

5188. What is the date?—The 12th May 1870.

5187. What have you to say in reference to it?—I did have this: "This prisoner has been repeatedly sent to work and subject to palpitations, but he is in better health now than when he came to this prison. He has refused to take his food, which I have represented to him as likely to injure his health permanently. He is now on prison diet." The other statement is false."

5188. (Dr. Greenhow.) What is the date of that letter?—12th May 1870; and this is signed "Hume, medical doctor." I do not know his christian name. 14th of the 5th month 1870.

5189. (Mr. Broadrick.) Is that letter you had complained of the diet?—I had complained. I have given what passed between the doctor and me in reference to it.

5190. (Chairman.) Will you read again that part which relates to what the doctor said about the disease?—"I have at last been permitted to receive a visit, a right thorough persistent denial me. On the third instant I was visited by Mr. Collin, M.P., who is a friend of my kinsman Underwood. I was surprised to learn from Mr. Collin that the House Secretary, Mr. Bence, had positively denied certain published statements about my health and treatment, and that he stated I was in actual health, and did so on the authority of a doctor, who told me "you have heart disease." He told me that in the presence of the governor; the governor heard him tell me so."

5191. (Dr. Lyons.) The governor here?—The governor here.

5192. (Dr. Greenhow.) This present governor?—This present governor, and more than that, that I can afterwards tell you.

5193. (Dr. Lyons.) In presence of Mr. Pitt Rivers?—Yes, in presence of Mr. Pitt Rivers. "You have heart disease," and who when I asked him for something to ease the pain, said to me, "medicine is no use to you, it is not what you want, you want change of food, better food, and that I am not allowed to give you." He also added, "I could cure you if I had you outside here, but I am not allowed to give you what would cure you here."

5194. Did he say all that in presence of the governor?—No, no; he said this to myself.

5195. How much did he say in the presence of the governor?—That would be a future matter. I will come to that afterwards.

5196. I understood you to say that he said this in presence of the governor?—No, he did not say this in presence of the governor. He told me in the presence of the governor here that I had heart disease. I have another statement to make in reference to that. Well, my lord and gentlemen, what shall I proceed to next.

5197. (Chairman.) You have dealt with those five letters, four of which have been suppressed. You have explained that in detail. What is the next point on which you wish to make any statement?—Oh, my lord, if I was prepared I would wish to have the assistance of Mr. Butt, Q.C., and my cousin, Thomas Nelson Underwood, barrister-at-law, to prepare my case properly, so as to lay it before you.

5198. I have explained to other prisoners, and now have to tell you that it cannot be allowed that either of them should be present here when you make your statement.—But cannot I be allowed their assistance to prepare a statement?

5199. No doubt; distinctly.—Such a statement as I might wish to lay before you, for I am only making a sort of a dying reference now.

5200. (Dr. Lyons.) Have you applied to Mr. Butt?

—I have written to Mr. Butt.

5201. Have you written to Mr. Underwood?—No, I have not.

5202. Do you mean to do so?—I do.

5203. (Chairman.) It is right that you should understand the arrangement. It rests with yourself. We have no power to retain a legal adviser; but if you

wish to make application to them to come you shall have full facilities, and they will have free access to you, if they choose to come.—My lord, I wish to have their assistance, and I respectfully apply to you to grant me that assistance.

5204. All that we have the power of doing is to see that if you write to them and they choose to come, there will be full facility for doing so. We cannot undertake to apply to them to come, but shall afford you full facility, and shall speak to the governor to ensure that this facility shall be offered.

5205. (Dr. Lyons.) Do you understand now fully?—I do, doctor.

5206. (Mr. De Vere.) When you were informed that your letters were suppressed, were you told the grounds on which they were suppressed?—Sometimes I was told it was for speaking of my health, and that I must not say anything about my health. At the time I made application in case of my death, I asked Mr. Pagan would my body be given up. He said it would. Then I asked to write this to my cousin, and to tell him the state I was in. He said, "You may write to say your body will be given up, but you must not say a word about your health."

5207. When letters to you have been suppressed, have you been informed the reason that they were suppressed?—Yes, I have, sir.

5208. How often has it occurred that letters written to you were suppressed?—I cannot tell, but when letters from my cousin to me were suppressed I was told it was because they contained political intelligence.

5209. Can you tell the Commission how often have you been informed that letters to you have been suppressed?—No, I cannot tell exactly, but several times I was anxiously expecting to hear from my friends—first my cousin, and after my arrival here I used to go up repeatedly, regularly, from time to time, to ask the governor if any letter had come for me, and he used not to seem pleased. He would say "There is no use" in your coming here asking those questions: if a letter "is come and the authorities allow it to be given to you, it will be given to you." "But, governor," I said, "will you please to tell me if any letter has come for me?" and he said "No, no; no letter has come." At the very time he told me no letter was come for me I learned that a letter had come from my cousin.

5210. What time was that?—It was the close of 1869. John Devey, my fellow prisoner, had a visit from a sister of his, and he told his sister—she begged of her to tell my cousin how anxiously I was expecting to hear from my friends. "Oh," said his sister, "he has endeavored to communicate with him: he has written to him, and the letter has been returned to him."

5211. (Mr. De Vere.) Were you informed of the suppression of that letter?—Not a bit of it, sir. I was told that there was no letter. They played upon my feelings. Knowing how anxious I was to hear from my friends, they wanted to torture me. When I heard through Devey about this letter, I went to the governor and said I heard a letter had come for me and was returned, and he admitted it. He said "Yes, there was a letter, and it was returned; it contained political news." Now here is the reason he assigned to my cousin for returning the letter. My cousin says, "In July last I wrote to you" to Chairman. The letter was returned with one "stating that it was not due to you to receive it, and also that it consisted of more than one sheet of paper." Now there is no rule requiring a person to limit himself to one sheet of paper, because I have known my fellow prisoners to receive a dozen sheets, 40 pages.

5212. Have you applied for documents, or copies of documents, prison reports, or anything of that kind?—I have. I have applied for all my suppressed letters. These I have got to-day. I have asked for copies of all official reports and statements made by medical officers, governors, the directors and members of the government, private and public, in reference to

me, including orders and instructions from the Home Office and directors of prisons in my case.

3213. When did you make the application?—The first application I made it on—oh, I should think, is two or three weeks ago; and another application I made yesterday. The governor came to me and asked me "What are those things you applied to the Secretary of State for?" so I told him. "Well," said he, "put it on paper again, what you want," so I did put it on paper.

3214. Would you wish to defer your further communication until you have received an answer to that application for documents?—I would, until I am fully prepared, because I cannot do justice to my case until those are supplied.

3215. (Chairman.) We shall be here on the 19th, and of course long before that time you will be informed whether you can have all those papers. I suppose you will get some notice. You will hear through the governor. I think the better way would be to defer your examination until that time.

3216. (Dr. Lyons.) Have you been in separate confinement since you got notice last week of this Commission being about to sit?—Yes, in strict solitary confinement. We were not allowed to communicate with each other.

3217. Were you allowed out to exercise?—Yes.

3218. Had you the same food as before?—Yes.

3219. Had you the same clothes day and night?—The same clothes day and night. You mean since we have been subjected to solitary confinement?

3220. Yes?—Yes, doctor; the same.

3221. Had you full opportunities of going to your religious duties?—No; we were not allowed to chapel in the mornings.

3222. Had you full opportunity of going to mass on yesterday?—We had.

3223. Did you go to mass?—I did. We all went to mass. By-the-by as it turns up, there is a matter that I would wish to mention to you to show you how there is a difference made between—how I am exceptionally treated. Every other prisoner when he goes to holy communion he sits up, and when I go up I have an officer with his back over my head. He comes up after my heels and stands by at the railing all the time, making an exhibition of me before the other prisoners.

3224. Is that the case all the time?—All the time, since I came here.

3225. (Chairman.) Is that the case with the other treason-felony prisoners?—Yes, any of them that go.

3226. But it is not done in the case of ordinary prisoners?—Not to ordinary prisoners.

3227. (Dr. Lyons.) What work are you at?—Mending stockings, doctor.

3228. How long are you at that employment?—Since the 17th March 1869, the 18th I think. March 1869 anyhow.

3229. Does the warder who conducts you to the rolls sentence you to come forward?—Another officer summons me, he relieves his hand.

3230. Is the warder who conducts you to the mill a Catholic, do you happen to know?—I do not know anything about his religion.

3231. (Mr. Dr. Fere.) How does the officer who summons you know whether you are for communion or not?—Well, I understand that the chaplain signifies or makes out a list and gives this list into

The prisoner retired.

JEREMIAH O'DONOVAN (ROMA) recalled.

3246. (Chairman.) Really, you wish to make a further statement I believe?—These letters sir, I wish to give you. I got some of my suppressed letters to my wife. I wish to give you them up, also with my statement that I gave to-day.

3247. (Dr. Lyons.) It may be better that you should keep your letters; you may want to refer to some of them. If you keep them, and make any use you wish of them before preparing your final

the governor. I am not perfectly sure how it is. I know there was quite a scene in the chapel sometime ago; as I was going up the principal officer rushed quite a row, because the officer ordered me at all to go up to the railing, and I understood the priest preferred charges against the officer for the row he raised in the chapel on account of it. I do not know how the matter terminated.

3232. (Dr. Lyons.) Have you ever been punished with bread and water?—Oh yes, punished, doctor, many times. I could not tell you how often.

3233. Can you state in your final statement the number of times?—I could not give you any idea of the number of times. I was often 70 hours on bread and water, and when I would come out could not eat.

3234. Will you furnish us an account of the number of times?—To enable me to do that I should have copies of the reports made against me.

3235. You can have that?—I would also wish to have the governor's feelings against me. And I understood that the Secretary of State wrote a letter which was published in the "Times" newspaper the 17th January about me. I would like to see that letter.

3236. (Chairman.) That will be for the Government to decide. These are communications which I do not think the Government would give; but reports against you in the prison books, with the decision on them, in all probability they will give you.—Yes.

3237. (Mr. Brodick.) You said that you received a visit from Mr. Callon?—Yes.

3238. Was that visit in private, or was there some number present?—Oh yes, the deputy-governor was present.

3239. He was present?—He was present, sir. He was watching every word we said.

3240. Are there any other points on which you wish to have any explanation from the Commission?—Well, Mr. Brodick, I do not know. I am most anxious you know that I should have the assistance of Mr. Butt and my cousin Underwood, and those documents that I have asked for, reports and other documents, to enable me to make out my statement.

3241. (Chairman.) You will be informed at the earliest period which documents you can have and which you cannot. You will have facilities to write to those parties whom you may wish to assist you.

3242. (Dr. Lyons.) In reference to any documents of which you may not get copies, you can make a return of such things as you think may be material in them, and these will be given. Do you understand that?—Yes, doctor. I would wish to be examined on oath.

3243. (Chairman.) We have no power to administer an oath?—Have you not, my lord.

3244. No.—I have no objection to make my statement before any person official.

3245. You had better make it to us privately.—Any way you, my lord, and the other gentlemen of the Commission wish, I will make my statement. Here is a copy of my application:—"Chatham Prison. Sir,—In order to prepare my statements I require all my suppressed letters, all official reports and statements made by medical officers, governors, and doctors and members of the government, private and public, in reference to me, including orders and instructions from the Home Office to the directors of prison in my case."

statement, it would be much better. You may wish to show them to your advisers. I should strongly advise you to keep your letters at present.

3248. (Chairman.) They would be of more use to you than they would to us?—There are two, my lord, I can leave you.

3249. (Dr. Lyons.) Oh, keep them all.

3250. (Dr. Greenham.) They are given to you to

C.U.O'Connell.

4 July 1870.

J. O'Donovan
(Roma)

J. O'Donnell
(Witness).
4 July 1876.

help you.—It is to help the Commission that I wanted.

3251. (Mr. De Vere.) They may be of use to you in preparing your case?—Yes.

3252. (Dr. Lyons.) Show them to your friends and advisers.—Well, my lord, in a letter I sent you I made some observations as regards the possibility of my having an opportunity if anything that I stated to you was contradicted, I do not know would you grant facilities to allow me to be present.

3253. (Chairman.) I think it most likely that we shall, but in that case we should put the questions. We should not permit a person who brings a charge to question the person charged, but any question we think important you may put through me?—For instance, my lord, one time here I rendered myself liable to be punished severely. The punishment commenced with binding my hands behind my back. I believe the order to do that came from the Board of Directors in London, because I committed the offence one day and was not put in irons until about the same hour next day. I recollect the Board of Directors were communicated with. Well, the matter got out to the world. I understood the matter was contradicted officially by the Secretary of State, and by the Board of Directors, who I believe issued that order to put me in irons. I believe they sent one of their body to get the governor of this prison to make out that no such thing took place. Now I cannot conceive how it is possible for me to convince you of the truth of anything. I state, if you would take the evidence of the Board of Directors or any gentleman

who is not a convict, in preference to the evidence of a convict.

3254. We cannot say beforehand what our course will be. All I can say is that we will hunt up to the very utmost of our power, that, or any other allegation that you may make. That is all that I can say. What course we shall take I cannot say.—Any instance I can give you, gentlemen, any assistance which I may have in my power, you shall have.

3255. (Dr. Lyons.) Every care shall be taken to investigate any charge that you make, to the fullest extent.—Can I speak one word with Mr. Lyons, sir.

3256. (Dr. Lyons.) You had better speak openly, whatever you wish to say.—I think you are a Cork gentleman.

3257. Yes, I am.—Do you know Mr. Robert Lambkin?

3258. I do slightly, not very intimately.—Well, sir, I would be obliged if you happen to see him that you would tell him I owe him some money in the course of business, but was not able to pay him on account of being here.

3259. All right. Is there anything further that you wish to know from the Commission?—I applied to have my wife present. I am under the impression I have been misrepresented and I would wish to have her present at any explanation that may be made.

3260. (Chairman.) You will not be misrepresented here.—Oh, I have been, my lord.

3261. (Dr. Lyons.) If she has any evidence to give she can give it.—I do not think she has.

3262. If she wishes to say anything she can do so.

The prisoner retired.

W. Halpin,

WILLIAM HALPIN, prisoner, examined.

3263. (Chairman.) William Halpin is your name?—Yes.

3264. William Halpin, I have to explain to you in the first instance that we are a Commission appointed to inquire into the treatment of the unconvicted prisoners who are at present confined in English jails, and that we are appointed by the Government, but are entirely independent of the Government. We come here for the purpose of receiving any statement that may be made to us either by word of mouth or in writing, and of receiving any evidence that it may be wished to submit to us. Whatever statement is made to us shall be made in private in this or some other private room, out of the hearing of any of the prison officials, and therefore may be made with perfect freedom; and no evil consequence will attend any prisoner by reason of any statement which he may make. The Commissioners are Dr. Lyons, Mr. Brodrick, Dr. Greenhow, Mr. De Vere, and myself, Lord Devon. We are now ready to hear and to receive any statement from you orally or in writing, which you may wish to submit. Your evidence will be taken down by a shorthand writer, and we shall recommend, at the conclusion of the inquiry, that the report and evidence be both printed. Do you wish to make any statement to us now?—Yes, my Lord. I have to say that I am not ready with my statement, in consequence of not being supplied with the materials that I asked for. This is a copy from memory of a paper that I directed to the Home Secretary on last Saturday week.

3265. (Mr. De Vere.) From memory?—From memory, but I think substantially correct. I thought the governor would have the rest of the papers, but it appears he did not receive one.

3266. (Chairman.) Was that a memorial to the Home Secretary asking for certain documents?—Yes, my Lord.

3267. Has not the governor made you acquainted to-day with an answer from the directors of prisons?—The governor did not read the answer for me to-day, but he told me that he would furnish me with my suppressed letters. He has done so since. I have asked for these and other things in addition. This, as I have stated, was addressed and sent on to the

Secretary of State for the Home Department:—"Sir, 'agreedly to instructions contained in a paper read for me to-day by the governor of this prison, I apply as follows:—First, a note which I addressed to Mr. Motley on the 13th instant, through the governor of this prison, asking Mr. Motley to employ Mr. Butt on behalf of Charles Underwood O'Connell and myself to watch the proceedings of the Commission appointed to inquire into our treatment, be forwarded to Mr. Motley, and that Mr. Butt be allowed to receive a seat at the table with the Commissioners. Secondly, that Mr. Motley be requested to employ Mr. Butt to assist me in making my statement of the inquiry, on the same ground as notified in my note of the 13th instant.' It probably might be necessary for me to explain these two particular items. The note that I addressed to Mr. Motley through the governor was addressed to him on the 13th instant, as soon as I learned that a Commission was appointed, asking Mr. Motley to employ Mr. Butt to represent Charles Underwood O'Connell and myself as American citizens at the Commission, with a view to report the facts elicited correctly to the United States Government. That was the purport of the note that I addressed to Mr. Motley, and I have not been able to learn whether the note was forwarded or not, but from the shuffling answers that I received I am inclined to believe that it has not.

3268. We will ascertain for you whether it has been sent or not?—The other item relates to the same subject.

3269. (Dr. Lyons.) Did you write a distinct and separate letter to Mr. Motley, or did you only ask them to communicate to him your wish?—I wrote a separate letter on the 13th June, and addressed it personally to Mr. Motley, and on sending a list along with the letter item I included this second item, when I learned that we had been allowed assistance in making up our statements. That was the case, my Lord and gentlemen, of my making the second application. "Third, 'that inasmuch as I am due to write a letter under the prison rules, I wish to write to Mr. Motley in reference to my nationality and other matters connected with the British Government, as well as

"to suppressed letters and visits. Fourth, that I require, to enable me to make up my statement to the Commission, all my suppressed letters, my letter to the Secretary of State written in September, 1866, and written complaints I made against the governor of this prison, and the medical officers thereof."

5270. (Mr. Bradrick.) Do you refer to a memorial written in December 1866, to the Secretary of State?—I do, sir.

5271. (Dr. Lyons.) Was it a memorial or a letter?—Well, I don't know what it is called.

5272. But it was addressed to the Secretary of State?—To the Secretary of State. I received an answer through the late governor, that the Secretary of State had received this letter and declined to interfere. I think that was about the substance of the answer—that there were no grounds for interference in the matter.

5273. (Chairman.) The late governor's name was Powell, I think?—Powell; yes, my Lord. "Fifth, I require for the same purpose the passages in the record books of the governor, the medical officer, and the directors, where they contain any orders relating to me. Sixth, I shall require for the same purpose all the reports made by the subordinate officers to the governor, by the governor to the directors, by the directors to the Secretary of State, and by the Secretary of State to the public, through parliament, the press, or any other channel, relating to me." You are aware, gentlemen, that from time to time certain reports are made by the prison officials in relation to us, to our health, condition, treatment, and so on, and that it will be very necessary for me to have a copy of these reports before I can finish my statement. I may as well say now that I have the best reasons for knowing that some of these reports, at least, have been of the falsest kind; and it is with the view to have the statement so prepared for the Commissioners as to avoid the necessary loss of time, that I asked for these papers now, or asked for them then. I was told by the governor that the proper time to make this application would be when the Commission would be assembled, and I therefore repeat the application now.

5274. Are those all that you ask for?—No, my Lord, I have some more yet to mention. "Seventh, I shall require all the paragraphs, articles, letters, or other matters published that relate to our treatment, or had any influence in promoting the appointment of this Commission." I understand the Commission is appointed in consequence of certain reports that were published relating to our treatment, and subsequently denied by the Government. I have this as official authority. The Secretary of the United States Legation visited me here in last September, and told me that all the public statements that had been made in reference to our treatment had been categorically denied by the British Government, and this denial sent to the United States Government. Now, the reports that were published I understand to be statements that were made by us, the prisoners here, to gentlemen who visited us; and the statements that were made on those occasions were entirely correct, and, if published as they were given to our visitors, were true, and any contradiction of those statements must necessarily be false. I am therefore specially interested, inasmuch as these contradictions have been sent to the United States Government; and that Government having declined, in consequence, to interfere in my behalf, I am therefore particularly interested in having those statements furnished to me, that I may see whether they are correct or otherwise, and state the matter fairly and accurately to the Commission.

5275. (Dr. Lyons.) What is the name of the Secretary of Legation?—Mr. Moran.

5276. (Mr. Bradrick.) He is still, I think, the United States Secretary of Legation?—Yes, sir. He was secretary the last two or three ministers, I think. "Ninth, I particularly require all the orders issued to

"the medical officers of this prison by the Secretary of State, the prison directors, the governor or other authorities, and his reports to his superiors." I say here that I particularly require these, because it has come to my knowledge that the reports made by this officer in relation to myself are in every particular, where they have come under my notice, entirely unsubstantiated; and it is necessary that I should see his reports, or a copy of them, and the orders which he claims to have received in reference to our treatment from his superior officers. He claims to have received certain orders from the Secretary of State, and from the directors, which justify him, in his opinion, in treating us in the manner which he has, and which I shall state in my report, if I be so allowed, and be furnished with those papers. "Tenth, I request that a copy of this application be sent to Mr. Motley, with the request that he will forward the same to the state department at Washington." These are all the items that I required. I would prefer to reserve this, my Lord, as it is the only paper that I have, and their papers can be found immediately.

5277. (Chairman.) With regard to the papers for which you have asked, I had better tell you how the matter stands. You have got the suppressed letters?—Yes.

5278. We hope and believe that those documents which are not at present under our control will be supplied to you. You will be able to receive, we hope, copies of my reports made against you, with the decisions of the governor upon them. With regard to the other papers, I am bound to tell you that I think it very likely they will not be given—at least most of those that you have referred to; and that the Government will not think themselves justified in supplying you with them. They will be, in all probability, placed in our hands, so that we shall be able to ask questions upon them; but I think the Government will most probably decide that those documents cannot properly be placed in your hands. You will of course hear from the Government how far your request will be complied with, and how far declined by them. The Secretary of State appears to be of opinion that my memorials or petitions that have been sent to the Secretary of State or to the directors may be furnished to you.—So I understood from the governor.

5279. And also the suppressed letters?—Yes.

5280. With regard to the others, you will hear from the governor what, under the orders of the Secretary of State, can be supplied to you. At any rate if they are not supplied to you they will be on our table, and we shall be able to ask such questions from them as we may think necessary.—You see, my Lord, unless they are furnished to me before completing my statement, that it will be impossible for me to make that reference to them which would clear up matters that must necessarily come before you.

5281. It is quite clear that whatever you are to have, you ought to have at the earliest period. Upon that subject we will speak to the governor before we go, and ask him, as far as he can, to place them in your hands at the earliest opportunity?—I am satisfied, my Lord, that the governor will do all that he can to furnish me with any papers that may be allowed.

5282. (Dr. Lyons.) Have you sent a copy of this to the governor?—I have sent a copy to the Secretary of State through the governor, on last Saturday week.

5283. On last Saturday week?—On last Saturday week.

5284. (Chairman.) We propose to come here again on Tuesday the 19th?—May I ask you one other question my Lord?

5285. If you please?—It is on the question of employing Mr. Bull. You have said nothing on that subject.

5286. I had better at once tell you how that matter stands. We have no power or authority to employ anybody in your behalf. All that we can do is to see that such facilities as can be granted are allowed

W. Atkyns.

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for the employment of anybody you may desire to advise or assist you. We shall not permit any counsel or any other person who may wish to appear for the person under examination, to be present in the room during the examination, but the fullest facilities, as you will have seen from the printed paper which was given to you, will be afforded to anybody that comes to assist the prisoner in the preparation of his statement?—Yes, so I understand, but I will now, then, make a formal application for the presence of Mr. Motley, Mr. Butt, or some other competent person to represent the United States, to be present during my examination.

5287. That application will be taken down. The Commissioners have decided that they will not admit anybody.—So I understood that they have so decided. I feel it my duty, nevertheless, to make this application.

5288. You are quite right in making the application. Is there anything else that you wish to explain?—There is a paragraph or two that I might read from this paper.

5289. (*Dr. Lysaght*.) Under number seven you said, "I shall require all the paragraphs, articles, letters, or other matters published that relate to our treatment, or had any influence in promoting the appointment of this Commission." What do you refer to there?—I refer to the published accounts of our treatment, the truth of which the Government denied. These are the papers that I refer to.

5290. When you use the word "papers" do you mean newspapers?—Newspapers; printed matter; yes. That is what I was told by Mr. Moran.

5291. (*Chairman*.) We have no means of getting any of those. We are ready to inquire into any matter that is brought before us, but we have no means of getting those papers.—This application I made to the Secretary of State, who has every opportunity of furnishing me with those papers that I have mentioned.

5292. It will be for him to decide whether your application should be complied with or not.

5293. (*Dr. Lysaght*.) I understood you to say that you had sent an application to the Secretary of State, concerning all the items that you have now detailed to us?—I have, sir, on last Saturday week.

5294. Have you had a reply to that?—I have had no other reply to it than that my suppressed letters, and letters to the Secretary of State might be given to me. I have no reply as to whether my note to Mr. Motley would be forwarded, or whether I could get other papers or not.

5295. Have you got a printed copy of the regulations under which this Commission is going to pursue its inquiry?—I got this paper. (*Exhibits a paper*.)

5296. Have you read paragraphs 2 and 3 of it?—I have, sir, read it all.

5297. Are you aware that under the facilities there specified, you can apply to have Mr. Moran or Mr. Butt, or any person you please, to assist you?—To assist me in making my statement?

5298. To assist in advising you, or in writing it?—I was told that I could write to Mr. Butt on Friday last, and I did so.

5299. Did you write to Mr. Moran?—No.

5300. Do you wish to do so?—I wish to write to Mr. Motley, but have got no permission to do it.

5301. (*Mr. Brodick*.) Have you applied for permission to write to Mr. Motley?—I have, sir.

5302. And has not that permission been granted to you?—I have got no permission to write to him.

5303. (*Chairman*.) To whom did you apply?—To the Secretary of State.

5304. Did you apply to the governor for liberty to write to Mr. Motley?—Yes, my Lord, to the Secretary of State through the governor.

5305. (*Mr. De Vere*.) Was the application to write to Mr. Motley, made for the purpose of his giving you such assistance as would enable you to make your statement, or was it an application to write to him upon other matters?—It was to write to him on several matters,

including that; to write to him on matters entirely unconnected with this inquiry, with matters of my own in the United States, and with the subject of my suppressed letters and general treatment. It included everything that, as far as I am concerned, will come before the Commission.

5306. (*Mr. Brodick*.) The Commission has recommended, and believe their recommendation will be complied with, that the prisoner should have the means of communicating freely with their friends outside, for the purpose of obtaining their assistance in preparing their statements. So far as that goes, we have reason to believe that letters will be forwarded, although the time for writing them has not come according to the ordinary prison rules; but we have not made any such recommendation in respect to letters on other matters.

5307. (*Chairman*.) Letters upon other subjects must be subject to the ordinary rules of the prison?—Yes, my Lord.

5308. (*Dr. Greenham*.) You had better write to Mr. Motley on that subject?—I won't be allowed to write to him.

5309. (*Chairman*.) We have recommended, where it is sought to write a letter for the sole purpose of obtaining assistance in the preparation of a prisoner's statement, that such letters may be allowed to go out, even when they exceed the number which, under the ordinary regulations of the prison, could be written?—But my note of the 13th, which bore upon that subject, the letter touched on nothing about the employment of Mr. Butt; that was not sent.

5310. (*Dr. Lysaght*.) How do you know that it was not sent?—The governor never gave me any answer. He said he had heard nothing on it.

5311. You stated to me a short time ago that you wrote to Mr. Butt?—Yes, I wrote to Mr. Butt himself.

5312. When did you write to Mr. Butt?—On Friday last.

5313. Do you understand that you may write to Mr. Motley in the same manner upon matters relating to this Commission?—I understood that now, sir. Might I read a paragraph relating to other papers here, my Lord, that I think bears on the subject?

5314. (*Chairman*.) Yes.—The papers that I refer to particularly now, are the orders issued to the medical officer by the Secretary of State and the directors. "If it should be objected that I have nothing to do with the orders issued by the public authorities to their servants, I reply that the most important facts connected with our treatment hinge upon those orders, and that without them it will be impossible to elicit the truth. If the investigation be so loosely conducted as to enable superior officers to throw the blame on the shoulders of their subordinates, and the subordinates back again on them, it is easy to see that no fair conclusion can be arrived at, and that it will be impossible to fix the crimes committed against me on the right persons. If the inquiry be designed as a thorough sifting of the matter, and not a sham and a cheat, the Secretary of State and the Government will be most anxious to furnish me with all that I ask for, and give every facility to enable me to lay before the Commission all the facts. I must confess that seeing how Messrs. Knox and Pollock's Commission of 1867 acted, and the refusal to allow Mr. Butt to be present, even as spectators, induces me to believe that the inquiry is to be solely conducted in the interests of the Government, and if this application be refused it will be 'proof strong as holy writ' of that intention." That is all that I wish to read, my Lord.

5315. (*Mr. Brodick*.) Is there any other point on which you desire an explanation?—There is nothing else that I recollect now. You absolutely refuse to allow any party to be present, either Mr. Motley or any other representative of the United States.

5316. (*Chairman*.) We do.—I claim as a right to have a representative of the United States present, and it will depend, in a great measure, on the allowing

or refusal of this application whether I will make any statement at all.

5317. I told you what the decision of the Commission was. We adhere to that—I know.

5318. (*Dr. Lyons.*) You know that anyone who sees you, may, if he has anything to state in regard to you, tell it to the Commission afterwards; and although he may not see the Commission in your presence, he may come as a witness—Mr. Mosley or anybody else—and tender any evidence that he thinks material in regard to you?—Yes.

5319. For reasons thoroughly well weighed, the Commission has determined on seeing the prisoners by themselves, without the presence of any other person; but any person may see a prisoner, and see the Commission afterwards?—As far as I am concerned, I would as soon make the statement that I have to make in the presence of ten thousand persons, as in the presence of this Commission. It is no matter to me how many are present; but I have made this application simply with the view to have the United States properly instructed, knowing that certain statements have been made by the British Government to the United States that are not true, and I wish those statements to be corrected. That is the reason why I wish the representative of the United States to be present.

5320. You see that if you substantiate anything before us, when the report of the evidence taken by this Commission comes to be printed, all that you have stated will go to the United States Government?—But, gentlemen, how can I forget the investigations that have taken place before in reference to us, in which the statements we made were not published, in which the facts were dishonestly falsified; and what grounds have I now that a similar transaction will not take place again.

5321. You must form your own opinion on that.

5322. (*Chairman.*) I told you what the decision was, you will make up your mind as to the course you will take?—Would it be proper to make another application now, my Lord, as to the persons that I would like to examine, and how I would like to examine them?

5323. Yes. You can give us the names of those whom you wish to have examined for you?—Yes. I wish to examine them myself, if allowed.

5324. You wish to be present when they come to give evidence?—Yes, I wish to be present at the examination of all the witnesses on the part of the State; I wish to see all the papers furnished by the State; and I wish to have authority to cross-examine those witnesses.

5325. In all probability we shall admit you to be

The witness withdrew.

The Commission adjourned.

Chatham Prison, Tuesday, 5th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BACCHUS.
S. E. DE VRIES, Esq.

DR. LYONS.
DR. GARRISON.

W. SPENCER OLIVANT, Esq., Secretary.

MR. WILLIAM PITT BUTTS recalled.

5326. (*Chairman.*) Mr. BUTTS, you have certain letters in your hand?—Yes, my Lord, from Mr. BUTTS. I received those this morning.

5327. Are these letters from Mr. BUTTS addressed to treason-felony convicts?—Yes, to Charles O'Connell and William Holpin.

5328. Have these letters been yet placed in the hands of the parties to whom they are addressed?—No, my Lord.

5329. Do you intend to place them in the hands of

present when a person whom you charge may be under examination, and we should permit you to suggest to me any questions which you might wish to have put; but we should not permit an examination by you?—If I can put the questions through you, my Lord, that will answer my purpose. But you will see, my Lord, why I seek to be present with power to ask questions. The statements that I make, you will get officers of this prison, and of other prisons perhaps, to make statements directly contrary—statements that if allowed to pass unchallenged, may completely nullify all that I say; and unless I have an opportunity of cross-examining those witnesses, no truth can be elicited; because the officer's statement that he made heretofore, will be attempted to be supported here; and it is on that account that it is necessary for the purpose of eliciting the truth, to allow me to either examine them myself, or to put the questions through the chair.

5330. We shall allow you to put the questions through the chair.

5331. (*Dr. Lyons.*) Will you excuse the witnesses you require?—I require the Secretary of State—Mr. Brown, I believe?

5332. Yes.—The former and the present chairman of the Board of Directors, Director Pagan, and the medical officer of this prison.

5333. Dr. Burns is it?—Dr. Burns, and Dr. Stott, the salient surgeon. It may be possible that I would also cross-examine some of the warders, but that will depend on circumstances, and it is not necessary to give their names as they will be always here.

5334. (*Chairman.*) These are the names which you submit to us, as those of persons whom you would wish to call. Of course it would be for us to decide who should be called?—Certainly. I understood you, my Lord, awhile ago—I wish to ascertain it—that you were going to wait something about postponing it.

5335. The examination will take place on Tuesday the 19th, that is to-morrow fortnight.—Here?

5336. Here; so that you have plenty of time to see any friend that you may wish to assist you. The Commission has recommended the governor that you no longer be kept in separate confinement. That simply was done to give you time to prepare your statement; but as the interval is now necessarily long, you will return to your former position of association.

5337. (*Dr. Lyons.*) Were you able to go to mass yesterday?—Yes; we went to mass yesterday, but we were not allowed to go to chapel for the last three days before Sunday to morning prayers.

W. Holpin.

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Mr.

W. P. Butts.

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the prisoners?—I should not place them in their hands without authority.

5338. By "authority" do you mean authority from the directors?—From the directors or yourselves. (*Witness assents to the latter.*)

The Commission deliberated a short time.

5339. The opinion of the Commissioners is, in substance, Mr. Butts, that we have no authority to interfere with your discretion in this matter. What has

26.
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occurred with reference to the letters in this: we, thinking it of great importance that full freedom of intercourse should exist between the prisoners and their friends outside, as far as is consistent with proper regulations, and as far as such communications bore on the subject of our present inquiry, recommended to the directors, and I believe instructions were given accordingly, that facility should be given to the prisoners for writing to their friends with the view of obtaining assistance from them, professional or otherwise, in the preparation of their statements, even though that would involve more frequent letters, at shorter intervals, than might be consistent with the prison regulations under ordinary circumstances. But in doing that we distinctly recognised this principle, that the letters so to be sent should be letters bearing on the question which is submitted to this Commission for inquiry, and statements to be made by the prisoners; and therefore the letters so to be sent out should be examined as in the ordinary course, and that no letters irrelevant to the subject of our enquiry should be permitted to go out under that enlarged condition. While we are of opinion that, as regards the answers, the discretion rests entirely with you as to whether those answers should be communicated to the prisoners or not, at the same time we feel certain that you will bear in mind that our wish throughout has been that full facility should be given for free communication, so far as the subject of our inquiry is concerned, between the prisoners and their friends; and with that suggestion we would leave the matter in your hands, or in the hands of any other parties to whom you may wish to refer it; this being borne in mind only, that it is very important that no time should be lost, and that the prisoners should be, as early as possible, put either in receipt of such communications, if you think it right, or told that such communications are stopped, if you think that the proper course?—Yes, my lord.

3340. But you will bear in mind that our wish and

The witness received the letters from the Chairman, and withdrew.

H. Shaw.

HENRY SHAW, prisoner, examined.

3331. (Chairman.) Show, in the first place I must inform you that we are a Commission appointed by the government, but acting quite independently of the government. The Commission consists of Dr. Greenhow, Mr. De Vere, Dr. Lysons, Mr. Brodbrick, and myself as chairman, Lord Devon. Our instructions are, and our object is, to inquire into the general subject of the treatment of the treason-felony prisoners confined in English prisons, and therefore of yourself and the others that are here. Any statements which, either in writing or by word of mouth, you may wish to make it will be our duty to receive; and it will be our duty also to receive any evidence which you may wish to tender on any points which you may include in your statement. You will make your statement, if you make it orally, in the private room, out of the hearing of any of the officers or persons in any way connected with the prison; and you may rely that no evil consequences shall ensue to you from whatever you may say here, and that no prejudicial result as regards your treatment or position will follow from anything that you may say here. Your statement will be taken down by a short-hand writer, and it will be a recommendation of the Commission, which in all probability will be complied with, that the report and evidence shall in due time be made public. Now, have you received from the governor a printed paper showing you the facilities which you would have for communicating with your friends if you wished to do so?—I have, my lord.

3332. And you have received from him also, I presume, before that, a statement of the nature and object of the Commission?—Yes, my lord.

3333. Now are you prepared to make any statement to us?—Well, my lord, on Friday—Thursday last—I went to the governor and requested him to take a statement from me to the following effect to the Commissioners.

desire is, that the prisoners should have as full facility as can safely and properly be given them for the preparation of their statements?—Exactly, my lord. Ross stated to me, my lord, yesterday, that he had got permission from the board to write to James O'Connor, Dublin, Mr. Pigott, and Mr. Maxwell Irwin.

3341. He mentioned no names to us?—Oh, "my friends," he said. This is a letter that is addressed to me. I told him to put on paper what he wanted.

3342. If they are friends whose assistance is material you will give him facility?

3343. (Dr. Lysons.) We explained to him yesterday that, besides his wife, he could apply to other friends, and I conveyed this advice in consequence of that instruction?—Yes.

3344. (Dr. Greenhow.) He would like to have his wife, but he would like to have others as well.

3345. (Dr. Lysons.) He says here that the Commissioners told him he would have an opportunity of writing to his friends, and that he will to-day, with your permission, write to Mr. James O'Connor, Mr. Richard Pigott, and Mr. Maxwell Irwin?—Yes.

3346. (Chairman.) Of course you understood that he may get the permission?—Oh, certainly.

3347. (Mr. De Vere.) It might be well that the governor should inform him, to save time, that the letters must be confined to the matter particularised?—I always do tell them that.

3348. (Chairman.) With as little delay as possible those letters you have referred to should be given to the prisoners to whom they are addressed, or the fact that they had some communications to them?—Those letters from Mr. Ross?

3349. Yes?—Certainly.

3350. Mr. Ross, before we pass from the subject of the letters, it may be as well that we should inform you that we have not looked into the letters, and are not acquainted in any way with their contents?—Very good, my lord.

3354. Was it in writing?—I did not tender it in writing.

3355. You did not tender in writing?—No.

3356. Then you made a statement to him?—Well, to this effect, my lord,—that the Commissioners had left it optional with the prisoners to make a statement or withhold it; that I, using that option, declined to make any statement.

3357. Very well.—Has the governor communicated that to you?

3358. The governor mentioned it; but we thought it right that you should have an opportunity of communicating it to us from your own mouth. I have now to ask you, do you adhere to that intention of not making any statement to us?—Yes.

3359. You say that deliberately?—Yes, my lord; I come to the conclusion after deliberation on the matter.

3360. You will recollect that we are here to hear any statement from you. Of course it is at your own option. If you decide not to make it the matter ends?—Yes.

3361. We shall be here again on the 18th of this month. If you change your mind by that time, and wish then to make a statement, it will be open to you to do so.

3362. (Mr. Brodbrick.) Are you aware that you have an opportunity of communicating with any friends whom you may desire to assist you in preparing any statements?—I have received a printed form from the governor on Saturday stating forth this, and also from the gentlemen who represented himself as your secretary.

3363. That gentleman [Mr. Offhouse]?—Yes, that gentleman, that such facilities will be afforded, so that in the face of all this, my lord, and knowing from the form set forth that I had this privilege, I come to this conclusion.

3284. (*Dr. Lyons.*) Were you tendered pens, ink, and paper, for the purpose of enabling you to make a written statement, by the governor?—The governor, yes. I may assure that they would have been granted, because when the governor told me that I could have these facilities afforded me—pens, ink, paper, *et cetera*, and having concluded to make no statement, I said it was unnecessary—these things were unnecessary.

3285. Do you now wish to get pens, ink, paper, and an envelope, in order that you may make a statement now or at any future time to this Commission?—As to what I might do on a future day I cannot say.

3286. (*Chairman.*) Do you wish for time to consider?—Well, my lord, I would first wish to ask you a question or two, if you please.

3287. What do you wish to ask?—You say that this Commission is appointed by the government, but altogether independent of the government?

3288. Yes?—That I don't properly understand.

3289. I do not know that I can explain it more clearly, however I will try. I said that we are independent of the government, by which I mean that none of us are members of the government, that none of us hold any office under the government, that none of us are responsible to the government for any opinion that we may choose to express.

3290. (*Dr. Greenwood.*) We are quite independent. We have come here to learn the truth, and whatever to the truth of the case we shall report it.—That may be true, sir, but yet there is an impression remaining on my mind, now three years' standing; I really cannot get rid of this impression. I do not wish, for a moment wish to reflect on you, my lord, or any of the gentlemen, that you would not act altogether impartially in the matter. I would be very sorry to think, or that you should think I would think any such thing. But I was confined in Kilmainham prison when Messrs. Knox and Pollock made their report on the Fenian prisoners—political prisoners.

3291. (*Dr. Lyons.*) In Kilmainham prison?—In Kilmainham prison. I was there awaiting trial, or rather I was under the writ of *Habeas Corpus*; and from information that I have received from the report, and what I have learned from prisoners and my friends since, I have certainly come to the conclusion, very reluctantly I admit, that the English Government will not appoint anything like a Commission—an impartial Commission—to inquire into the prisoners whom, as I know very well, the Government has systematically persecuted.

The prisoner withdrew.

JOHN D. BURNS, M.D., examined.

3292. (*Dr. Greenwood.*) What are your medical qualifications?—M.D. Member of the College of Physicians of London.

3293. (*Dr. Lyons.*) M.D. of what university, please?—St. Andrews.

3294. St. Andrews?—Yes.

3295. (*Chairman.*) You are the medical officer of this prison, are you not?—I am, my lord.

3296. How long have you been here?—From its commencement.

3297. When was that?—1823, I think.

3298. Did you say 1823?—Yes, 1823.

3299. (*Dr. Lyons.*) Are you a surgeon as well as a physician?—I am.

3300. Of what college?—I am a surgeon of the navy.

3301. Of what college of surgeons?—The Edinburgh College of Surgeons.

3302. (*Chairman.*) Are you the only medical officer of this prison?—There are two medical officers.

3303. You have an assistant?—I have an assistant.

3304. Were you connected with any convict prison before you came here?—I was, my lord: I was connected with Portsmouth, Portland, Woolwich.

3305. (*Chairman.*) That is your view, you know. All I am to say is, that if you choose to change your mind between this and the 15th, you can then make a statement?—Yes. You understand, my lord, I mean no disrespect.

3306. We quite understand that.

3307. (*Dr. Lyons.*) Had you opportunities for going to your religious duties since the meeting of this Commission was announced to you?—No, sir.

3308. In what respect?—On Thursday we were confined—at least I have been—speaking for myself—I was confined to my cell, and not allowed out only to exercise, not allowed to go to morning service as usual; but on Sunday I was allowed to go to mass.

3309. Then did you go to mass on Sunday, as a matter of fact?—Of course.

3310. Do you understand that you are communicating with any friend or friends with a view to their advising you or assisting you in the preparation of any statement that you may desire to make at a future meeting of the Commission here? Do you understand the fullness that are stated in a printed document that was placed in your hands by our directions?—I believe Lord Devon has told me all that now, Dr. Lyons.

3311. Yes?—Well, in answer to that, Dr. Lyons, I would say that it sets forth on the face of it that such are the facts, but that I cannot believe those facts, from the course adopted by the governor, or at least by the prison officials, to prevent me and other prisoners from communicating with our friends.

3312. What I ask you is, do you understand from that document that you have now the power of communicating with any friend or friends outside, with the view of getting assistance towards the preparation of any statement that you may wish to make, in writing or orally, or in both forms, to this Commission?—It is so set forth on the face of this notice, but whether it be true in fact I cannot say.

3313. (*Chairman.*) We cannot argue with you on that. It is sufficient for us that it appears on the paper you have.

3314. (*Dr. Lyons.*) I want to know distinctly if you understand that you are now at liberty to communicate with any friend or friends outside, with the view of their assisting you in preparing any statement, written or oral, for this Commission?—I understood it then from the governor verbally, and I am told it by this; but nevertheless the officials may suppress any communication of mine, as they have done hitherto.

The prisoner withdrew.

H. Shaw,
8 July 1870.

J. D. Burns,
M.D.

3315. You must have been a long time in the service?—42 years.

3316. You say that you have been since '38 at Chelsea?—I think it is '38.

3317. I put it down '38. Then you are 12 years here?—Yes. I think it is eight years at Woolwich.

3318. What accommodation have you for prisoners in hospital?—We have at this moment only three wards.

3319. How many are these capable of bedding?—45.

3320. I believe alterations are in progress for the purpose of enlarging the infirmary?—They are.

3321. And what do you expect will be the accommodation when they are completed?—About 80.

3322. The total number of inmates of the prison being how many?—1,700.

3323. Will that be as large a percentage as you would think necessary?—I would expect more.

3324. You would wish for more accommodation?—I would wish for more accommodation.

3325. What number of cubic feet will be allowed to each patient when that accommodation is completed?—In association I should expect about 600.

3326. Do you think 600 would be enough?—I think

J. D. Burns,
M.D.
5 July 1874.

600 would be enough in association; but I should like 1,200 if I could get it in division, in separate classes.

6407. There are, I think, some separate cells connected with the infirmary?—All the upper building that is going on now is to be divided into separate cells.

6408. Have you any prisoners in the separate cells?

—I have two.

6409. How do you decide who is to be placed in a separate cell, and who is to be placed in association?

—I never put them in a separate cell unless I find they have committed themselves in one way or other, or that I wish to keep them under more perfect medical observation.

6410. Have you had under your charge from time to time any of the treason-felony prisoners?—I have, my lord.

6411. Which of these?—I have had Hespia, O'Connell, Ross, McClure; I do not think there were any others, but possibly I might have had some of those men on some trifling things that occurred.

6412. But you have not had any others under your special care?—I think not, my lord.

6413. Have they while under your care received from you the same attention which any other patient in the infirmary would get?—They have, my lord.

6414. What is the average proportion, Dr. Burns, of persons in the infirmary in this prison?—They vary very much of late, on account of the number of prisoners greatly increasing; but before that, 45.

6415. Forty-five on the whole number?—45 on the whole number, my lord.

6416. The whole number is more than 1,700?—It is not 1,700, my lord. I do not think it has ever been that.

6417. We were told 1,700?—1,700; I believe it is that.

6418. (Dr. Lyons.) What is the strength of the prison on which you calculate a daily average of 45 sick?—Well, about 1,000 or 1,200. I should calculate that, for it has been so.

6419. These figures are rather wide?—I had better give you the average every year.

6420. If you please?—Yes. I find, my lord, that the average is 38 per thousand.

6421. The average sick?—The daily number of sick every year is 38 per thousand.

6422. (Chairman.) And the rate of mortality?—The average rate of mortality per thousand every year is 18.

6423. I see the statement in your medical report dated 12th of January 1870, that there have been 31,849 casualties during the year?—Yes, my lord.

6424. Do you think the statement accurately printed?—It is so. That is counting every day's casualties. But casualties are not sick cases. They are cases of diarrhoea or cough, or something out of hospital which the medical officer is called to treat. They are called here casualties. The number every day is added up to them that sum.

6425. Then by "casualties" you mean cases of illness of some sort or other?—Some casual illness.

6426. (Dr. Lyons.) Does it involve this: that the same individual may be reported one day after another?—He may be reported one day after another, and he is counted each different time.

6427. Then the 31,849 would not imply so many different individuals?—Not different persons. The same man each day would be counted.

6428. Does it imply 31,849 different prescriptions?—Yes.

6429. But they may be for the same individuals?—Yes; for instance, to-day there are more returned on Sunday it was only 45, but there has been an injury as 120.

6430. (Dr. Greenleaf.) 31,849 casualties a year will represent 80 or 90 a day?—About that.

6431. Who sees them?—The assistant surgeon sees them.

6432. How long does it occupy him to prescribe

for them?—About an hour, or three quarters of an hour, perhaps.

6433. (Dr. Lyons.) He sees 84 patients in an hour?—Oh, yes; he would do it in that time frame.

6434. Is how long?—About three quarters of an hour.

6435. Eighty or ninety patients in three quarters of an hour?—Yes.

6436. Are you quite clear about that?—Perfectly sure; I have done it myself. "Diarrhoea, diarrhoea, opening medicine, opening medicine," and he passes on. It takes in half a minute. The compounder is by to give the medicine.

6437. (Chairman.) Do you mean to say that it is done then and there?—Then and there.

6438. So that a minute and a half would do to prescribe and give the medicine?—Half a minute would do it. If I think a man ill, he is put by and sent to the infirmary.

6439. (Dr. Lyons.) Is the assistant surgeon who does that, is it not?—Sometimes I do it; but it is the assistant surgeon's duty.

6440. Do you give advice and administer medicines and appliances to 80 or 90 persons in three quarters of an hour?—There are no appliances. If I find a man is really suffering from anything serious, he is taken and sent to the infirmary. Many of these men have nothing at all to complain of, and no medicine is given to them. It is an idle excuse to come down to talk to one another in this prison. There are many of these things to be guarded against.

6441. (Chairman.) You have to enter the class of diet that is given to the infirmary to the patients?—In the infirmary I have, my lord.

6442. Are you consulted as to the diet in the general prison?—No, my lord; I am not consulted in regard to that.

6443. Into how many classes is the dietary of the prison divided?—Into three.

6444. Will you describe what they are?—I am not prepared.

6445. What are they called?—First, second, and third class.

6446. Diet number one, two, and three?—I would rather show you the printed regulations. I have nothing to do with it in any way.

6447. Are you cognizant of the fact, if it be a fact, that the dietary of the treason-felony prisoners is different from that of other convicts in this prison?—I am aware that it is greater than any of the other prisoners.

6448. In what respect?—In the first place a prisoner has a pint of cocoa in the morning and eleven ounces of bread, and a treason-felony prisoner has a pint of tea and eleven ounces of bread.

6449. Then the only difference in that instance is that between tea and cocoa?—Tea and cocoa.

6450. Was that alteration of the breakfast instituted at your request?—At my recommendation.

6451. At your recommendation?—At my recommendation.

6452. May I ask upon what ground that recommendation was given?—They refused so much, and they asserted me that it did not agree with them; that they had not been in the habit of taking cocoa; and I gave it with this view, that I thought cocoa more digestible to a man at heavy work than to a man who did no work. I thought it advisable to give tea, as it is not prohibited by the rules of the prison. It is almost optional whether they have tea or cocoa.

6453. They had not at the time done heavy work?—They have never done heavy work.

6454. And you thought tea would be more suitable to them?—Yes.

6455. Passing from that to the dinner, is there any difference between the dinner of the treason-felony convicts and that of the other prisoners?—There is.

6456. What is it?—On Tuesdays and Fridays the dinner of the prisoners is a pint of soup with broth, a pound of potatoes, five ounces of bread, and two ounces of cheese.

5487. That is the ordinary prisoners?—The ordinary prisoners.

5488. Now what is the dinner of the treason-felony prisoners?—The treason-felony prisoners have five ounces of roast mutton.

5489. On Tuesdays and Fridays?—On Tuesdays and Fridays.

5490. (*Dr. Greenhow.*) That is, they get five ounces after cooking?—After cooking.

5491. Without bone?—Without bone.

5492. (*Dr. Lyons.*) What amount is put down to produce that quantity?—Seven, I think.

5493. Are you quite sure that you are accurate, for these figures do not quite agree with what we saw a week ago?—It may be a quarter of an ounce out, or something of that kind; but it must weigh that, whatever it is before.

5494. Are you sure that five ounces is what it is expected to weigh?—Five ounces it is expected to weigh, because every man's provisions are weighed when given to him.

5495. Are you aware of what the amount is that is put down to produce that quantity?—No, I do not know that exactly.

5496. (*Dr. Greenhow.*) What besides the roast mutton do they get for dinner?—The others are the same; five ounces of bread and one pound of potatoes, and two ounces of cheese.

5497. That is the dinner on Tuesdays and Fridays?—Yes.

5498. (*Chairman.*) What is the dinner on the other days?—On Thursday, my lord, there is a difference. The prisoners in ordinary get a pound of oat pudding, a pound of potatoes, and five ounces of bread; while the treason-felony prisoners get better pudding, a pound of potatoes, and five ounces of bread. In fact they have better pudding in lieu of oat pudding.

5499. On what day of the week is that?—On Thursday, my lord.

5500. (*Dr. Greenhow.*) How much bread?—Five ounces of bread.

5501. (*Dr. Lyons.*) From what do you take those data that you are now furnishing to the Commission?—From my own paper in the hospital, and the memorandum. I have applied for those alterations. I took it from the letters I asked it in.

5502. (*Chairman.*) Was it at your recommendation that this substitution of five ounces of meat for soup took place?—It was, my lord.

5503. On what ground did you recommend that?—I recommended it on this ground, that the soup they had would possibly not be so digestible, and it is allowed in getting these other supplies; and they had some bread extra, but that made very little difference. The thing was to do away with the soup which I thought less digestible with those prisoners who took no exercise. That was the chief ground.

5504. Is there any difference as regards the supper?—There is none. Their supper is—two, a pint, instead of a pint of gruel; and I was going to say just now, the meat when it is roasts, they allow two ounces more bread to compensate for the vegetables that are in the soup; so that at supper, instead of gruel—a man who is working on the land gets a pint of gruel and eight ounces of bread—these prisoners get a pint of tea and ten ounces of bread.

5505. And that additional bread you consider a compensation for the vegetables they would otherwise have at dinner?—It is.

5506. When was this alteration made?—At different dates, my lord.

5507. But in all cases on your recommendation, based upon the fact of your finding that they were not put to hard work as the other prisoners were?—Precisely, my lord.

5508. (*Dr. Greenhow.*) Are you aware that the treason-felony prisoners have been treated exceptionally in any other respect, besides their diet?—Oh yes.

5509. In what matter?—They have had less exercise than the other prisoners.

5480. Less exercise?—Less exercise.

5481. Will you specify in what respect that is the case?—They have been employed at stone breaking, and chopping wood. They have had very little exercise; so much so, that I was obliged to ask for walking exercise.

5482. Was that on the ground of health?—On the ground of health.

5483. Did you find that their health failed for not having exercise?—I thought that it did, and it was partly to employ their minds. I thought they were complaining of things that had no existence, from not having anything to do. A man having nothing to do begins to think about his ailments.

5484. Are you aware that the treason-felony prisoners are placed in different cells from the other prisoners?—I am.

5485. Are the cells in which they are placed larger or smaller than those of the other prisoners?—They are the largest in the prison.

5486. Are they as well ventilated, in your opinion, as the other cells?—They are quite as well ventilated; in fact a great deal of trouble has been taken with the ventilation to improve it.

5487. Do they bask in the same bath as the other prisoners?—As the other prisoners in the penal class; and there are very few besides themselves there.

5488. That is, there is a bath belonging to that division?—There is a bath to that division.

5489. And the penal-class prisoners bask in it?—The penal-class prisoners bask in it.

5490. Are their cells the same as the others?—Yes.

5491. Is their bed the same as that of the other prisoners?—No, it is improved.

5492. How is it improved?—They have two beds. 5493. By "two beds" do you mean two mattresses?—They have two mattresses.

5494. And what else?—I think they have had a blanket more. I am not sure. In winter it was given to them; I do not think it was taken away.

5495. Was the extra food that you mentioned taken away?—I do not think it was. It was not.

5496. Do you examine the prisoners periodically?—I do.

5497. How often do you examine them?—Once a week.

5498. Every prisoner is seen by you once a week?—Yes.

5499. Where is that examination made?—With the ordinary prisoners I make it on Sunday morning at 10 minutes to 10, on the parade ground. With the Penitentiary prisoners I make it at noon.

5500. Where?—In their cells.

5501. What is the nature of that examination?—I call on them and ask them how they are getting on, and if they have not anything to say the door is shut. The warder announces "the doctor."

5502. In point of fact it is rather that you ask them whether they have anything to say?—Yes.

5503. There is no examination unless they ask for it?—No.

5504. No inspection?—No inspection whatever, because I ask them if they wish to see the doctor. They are asked that every morning as well.

5505. Do you examine the prisoners when they first come here?—I do.

5506. Medically?—I do.

5507. In what manner?—They are taken to the examination room, separately, and stripped.

5508. How do you examine them?—I examine the chest, and the skin to see if they have varicose veins, or scalled testicle, or rupture, or eruptions on the body.

5509. When you examine the chest and find it perfectly healthy as regards the lungs and heart, do you make a note of the result?—I do.

5510. Supposing a prisoner to be quite well, what is the course you adopt?—He is asked if he has ever been troubled with any disease, or if his family had any hereditary disease.

J. D. Buss,
M.D.
8 July 1879.

J. D. Barnes,
M.D.
5 July 1929.

5511. My question rather refers to this: do you take a note of the state of the man's lungs and heart?—No, not for each person.

5512. If you found anything the matter with the lungs would you take a note of it?—I certainly would.

5513. Then in fact there is no record kept of the results of the examination which you make when a prisoner comes under your care, unless he is actually ill. If he is in good health you only record "good health"?—Yes.

5514. Are the prisoners weighed?—They are, all of them.

5515. How often is the weighing repeated?—If I find them losing flesh at all, I send them in to be weighed.

5516. If you found a prisoner losing weight what course would you adopt?—I should examine him. If I found that it was from general debility, from bad health, I would take him into hospital immediately.

5517. When prisoners are ill, how do they make their illness known to you?—He puts his brown out, or makes a noise at the door if it is at night, and the officer goes to him.

5518. And finding him ill, what does he do?—Finding him ill, he communicates it to the warden, who passes on the information.

5519. To whom does he pass the information?—To the infirmary, and the infirmary warden then visits him, and if he finds that he is ill the assistant surgeon is sent for immediately.

5520. Then it rests with the infirmary warden to decide whether the man is ill or not?—If there is the slightest doubt on the warden's mind, his course is to send for the assistant surgeon, and he does so probably when there is no occasion, as I have found myself.

5521. Is it possible that a man may be ill at half-past 7 or 8 o'clock in the evening, and be told that he would see the doctor the following day?—I should think not.

5522. That would be contrary to rule?—It would be contrary to rule. If he wished to see him he could see him at once. The doctor is sent for immediately; because he is punished if he sent for him unnecessarily.

5523. That is a standing rule?—That is a standing rule. If a man says he wishes to see the doctor there is no one to prevent him; but he is liable to this, that if he sent unnecessarily, he is reported to the governor. I certainly would report him, for I would have no peace in this world if I allowed that.

5524. Do you visit the punishment cells daily?—Yes.

5525. Every man who is undergoing punishment is seen by you or by the assistant surgeon?—He is.

5526. I suppose that rule does not apply to the transference convicts at present?—No, because their names are not down. They put their names down if they want to see the doctor.

5527. They are in penal cells, but they are not undergoing penal punishment?—They are not.

5528. If you found a man complaining of his labour being too hard, have you the power of altering it?—I have; I put him to light labour.

5529. Have you the power of ordering extras for persons who are not in the hospital?—No.

5530. Are you in the habit of recommending change of diet to those who are not in hospital?—No.

5531. You have done so for the transference prisoners?—I have; but then I got authority from the director.

5532. There is then quite an exceptional case?—Quite an exceptional case.

5533. You have never done so for any other prisoners?—I have not. I have never had the occasion.

5534. (Mr. De Vere.) You have mentioned in that report that there were over 31,000 casualties in the year?—I have.

5535. And you explain those casualties, so cases in

which persons receive casual medical treatment from you?—Exactly. I do.

5536. You have stated also I think, that many of those who applied to you for casual assistance, do not receive any prescription from you?—There are many.

5537. Do those cases enter with the list of casualties?—They do.

5538. Then your list of casualties includes the cases of those who make application to you but who receive no treatment?—On medical grounds. This is a very rare occurrence, but they do come down. They complain; they have complained, and I have to ascertain.

5539. Could you state at all to the Commission the proportion of those who call upon you for casual medical assistance, and who really do not require to receive any?—I should think, roughly, perhaps two a day or three a day. But these men give more trouble than the men who are ill. They are the men who take most time. I perhaps have to send them to the infirmary.

5540. I want to get what you consider the general average was?—Sometimes there may be no case of that kind for a week; at other times there may be a dozen down.

5541. The cells in which the political prisoners are confined go by the name of penal cells?—They do.

5542. Do not "penal cells" mean cells in which penal discipline is usually carried on?—It is so.

5543. Now are the political prisoners, who are confined in penal cells, subject to what is called "penal discipline"?—No, they are not, because those who are in the penal cells have to pick a certain quantity of oakum in a certain time, and their whole time is occupied in those cells; they are allowed to exercise till their penal discipline is out.

5544. Then do I understand you to say, that though they are in cells which go by the name of penal cells, they are not actually subjected to penal discipline in those cells?—The transference prisoners are not.

5545. Are those cells more or less comfortable than the ordinary cells in which they would be confined if they were in their usual place in the prison?—They are nearly twice the size.

5546. Is there any inconvenience of any kind attendant upon their being in those cells?—No; I think they are more comfortable. They are considered for more comfortable than any other cells in the whole establishment.

5547. If a prisoner were shown over the prison, and had to select a cell for himself, would he select one of those so-called penal cells?—I would myself certainly select one of those penal cells if I had to live in them.

5548. You have been at Portsmouth, at Portland, at Woolwich, and at Millbank?—Yes.

5549. Comparing the climate of Chatham with that of those other prisons at which you have served, how would you estimate it?—I should say that the climate here to a prisoner is the most exposed place that I ever met with in my life. It is far worse than any of them. At Portsmouth there is the fresh sea breeze, and they are probably more exposed than they are at Portland. Portland I should think was the second; they are sheltered; and at Millbank I think they are subject to ague. We used to have a good deal of that at Woolwich, which we have lost entirely here. That is the most risk I should think.

5550. Can you state if the proportion of able-bodied men who fall sick on full labour is lighter here or at Portsmouth, or at Portland?—Well, I should think it is lighter here. Certainly at present it is lighter here. At Millbank they have disease, they have ague, which made them more frequent there.

5551. Is there anything in the nature of the public works which are carried on here, which you would say is specially injurious to health?—No, I think not.

5552. At any time of the year?—At any time of the year.

5553. Have they to work in winter in the wet?—They have, and exposed to the easterly wind, without shelter almost.

5554. Do you consider that to be peculiarly trying to the health?—Two or three days this last winter it was perfectly impossible for any one to then sit with impunity.

5555. During those days were they obliged to work?—They were, and they suffered tremendously.

5556. (Chairman.) That is the ordinary prisoner?—The ordinary prisoners, my lord.

5557. (Mr. De Vere.) Have you any instances of frost-bite?—A great many. I think I have two men now in the prison who lost all their fingers of one hand.

5558. Was there any increase of illness amongst the labour convict population in consequence of the extreme severity of the weather?—Yes, there was.

5559. Were the political prisoners at any time since they have been employed at any of this outdoor work that you have now been describing?—I think Baines was when he first came, but I fancy he was the only one, to the best of my recollection.

5560. Do you know how long he was so employed?—I do not. Perhaps a month or two months.

5561. Have you ever had an opportunity of judging how far employment on the public works, enforced, outdoor labour of this kind, affects more injuriously men of the more educated class and sedentary habits, than men of the ordinary labouring class?—Well, I do not think that there is very much difference in that respect, except that the labouring class can compete better with those in work, and being more used to it, do it probably more diligently; but those who have to commence it do suffer from weakness—from debility more, from the seasonal labour.

5562. Do they do less work?—They must do less work.

5563. Do they suffer more in health?—I think on the average they do. We are obliged to take them off sometimes; they cannot put on with it.

5564. I need not ask you whether your recommendation is always adopted when you advise to have a man taken from one work and put to another?—I have no power to put a man from one work to another; but there is a party called the "light-labour party," and I take out the men from the general labour, and put them into this.

5565. Is it your opinion that the more severe outdoor labour, even though it does not produce actual illness, yet may lower the general condition and impair the strength of the labourer?—I do not think it would lower the strength of the labourer if he had sufficient food to carry it on.

5566. Taking the present diet of the prison, do you think that, taking on the one hand the dietary, and on the other the work, the condition of the prisoner is lowered in a medical point of view?—I think that if he had more diet the work would be more satisfactory. I think it would stay and wear many of these falling into consumption—phthisis—and the development of scrofula and those diseases, if they had a little more food.

5567. I may put the question in a more compact form. Is it your opinion that convict labour here, taken in combination with the diet, has a tendency to shorten life?—I do not, except under such circumstances as I have mentioned.

5568. What are those circumstances?—Where a man has not sufficient food to support him under the great labour.

5569. Taking into account on the one hand the labour that he does, and on the other hand the food that he receives, do you think the system of diet and discipline in this prison tends to shorten life?—I think in certain cases of hereditary disease that it does, such as scrofula or phthisis.

5570. Would it be within your province to report those cases to the higher authorities, and to have the prisoner's work changed?—I should take such a

prisoner immediately from his work, and put him in the infirmary.

5571. Would you do so if there was no actual development of disease?—No, I should not find it out. Perhaps I might, from the appearance of emaciation or debility about him. I have some now from debility alone, without organic disease, in the infirmary at this moment.

5572. Do you consider it a part of your duty to exercise a general supervision over the medical condition and health of the convicts, even in cases where they do not come within your peculiar medical treatment?—Oh, yes.

5573. Do you exercise it?—I do exercise it. I go and ask of themselves.

5574. If you found a man complaining of no actual disease, but becoming emaciated gradually, and becoming gradually lowered in his constitutional state, would you take measures to improve his dietary when at work?—I would take him immediately from work altogether for the purpose of improving his dietary.

5575. (Chairman.) Do I understand you correctly, Dr. Barnes, to say that you have the power to remove a man from hard labour to light labour, at your own discretion?—I have.

5576. But you have not the power to take a man from work altogether?—I have not power to remove a man from one work to another.

5577. Of the same class of labour?—The same class of labour.

5578. I observed that the light labour class to-day consisted of only eight or ten men?—In one division, my lord. I think you would find that there were others in other compartments.

5579. Do those that are put on light labour receive the same dietary as before?—No, they have light labour diet.

5580. (Mr. De Vere.) When a man is ordered exercise, is it usual that he should do labourous work at the same time?—Do you mean at full employment, or under punishment?

5581. No. Is it part of the discipline of the prison that a man at exercise should also be employed at labour such as drawing a roller?—That is supposed to be full labour. If it is supposed to be part of his duty to do it, is it no time for him to take exercise.

5582. (Dr. Lyons.) On the whole, Dr. Barnes, do you think the works of the locality healthy?—I do.

5583. You do?—I do.

5584. Still you have put in evidence that you think the place is exposed to great vicissitudes of weather at certain seasons?—At certain seasons, yes; at certain seasons of the year.

5585. Is there anything in the works going on here calculated to produce or to develop any form of disease?—No; there is ague in the vicinity, but there is nothing in the works, or the place where the men are employed, to induce it.

5586. Is there any ague within the district in which the prisoners work?—No, not within the district where they are employed, but close to it.

5587. Has there been at any time?—Yes; we have two or three cases a year.

5588. Have you had ague within the last year?—I think so. (Refers to a document.) We have had eight cases.

5589. Eight cases of ague within the last year?—Eight cases of ague.

5590. Could you say whether there are any diseases developed which are due to emanations arising from the prison excavations which we saw in process of being carried out to-day?—There are none whatever.

5591. None whatever?—None whatever.

5592. No form of miasmatic disease that you would consider attributable to the excavations?—None whatever; they are continually kept dry. Engines are stationed at different points to take all the water away.

5593. But when you have opened a large quantity of new surface, and emanations are arising therefrom, is it in your experience that any form of disease is

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consequent on it?—No; the fact is that it is not the case.

3594. You stated in reply to Mr. De Vere, that there was an unusual proportion of prisoners invalided in the course of last winter, in consequence of the severity of the weather?—Not invalided.

3595. Well, that sickness was produced?—On account of the weather there was a great increase of ulcer and foot-bite.

3596. I was going to ask you what class of diseases was produced?—Ulcer and foot-bite.

3597. Were there any thoracic diseases present?—Yes, there were some developments of phthisis—tubercular disease.

3598. Were any of those cases fatal, arising in consequence of exposure to severe weather?—I could not trace them distinctly to exposure, because they were all, most of them, hereditary diseases.

3599. Do you think there is anything in the atmosphere of this place, or in the works carried out here, or the exposure involved when prisoners are at work, calculated to promote the development of phthisis?—No, I think not. I think under certain circumstances it is a healthy place. There was one death only from distinct phthisis during the year.

3600. Only one death?—Only one death.

3601. Have you any supervision over the separate cells in which the prisoners are confined?—I have.

3602. You have?—I have.

3603. Are you consulted with regard to any changes in respect to ventilation or light in those cells?—I have not been.

3604. We ascertained to-day that certain changes were made in the cells occupied by the treason-felony prisoners, with respect to light and ventilation. Were you consulted in reference to that?—I was not.

3605. I observed also that the windows in many instances were rather dirty, so as to obscure the light. Whose business is it to look after that?—There are cleaners belonging to the prison.

3606. But whose duty is it to report it?—The warder in charge of the cells.

3607. If you observed it, would you think it your duty to report it?—I only go there to make an official visit to the prisoners, but I should not consider that my duty.

3608. Have you, as a matter of fact, observed that the cells of the treason-felony prisoners require ventilation?—There is a good deal of trouble taken by them. They have been much improved.

3609. They have been much improved?—They have been much improved. They have been fitted with separate shafts carried up the building.

3610. You think their condition now is better than it was?—The ventilation is better than it was.

3611. But you think there is still room for improvement?—I should think there is.

3612. When was the change made in them?—I cannot say, but I should think about a year ago.

3613. Who can give us the information?—The clerk of the works.

3614. You think some improvement might yet be effected in the ventilation?—I think so.

3615. You do not think the ventilation sufficient?—It is sufficient, but it might be improved.

3616. I believe you have had charge of some of the treason-felony prisoners in the infirmary?—Two.

3617. Not more than two?—Not more than two; not in the infirmary.

3618. You have had two of them in the infirmary?—Two in the infirmary.

3619. I presume the others have been more or less under your care?—At several times the others have been under my care.

3620. Have not Hespia, Ream, O'Connell, and McClure been under medical treatment?—Yes, but McClure and Hespia have been the only two I took into the infirmary.

3621. Have you seen sheets of the treatment of those four?—I have. They have been supplied to you.

3622. When you stated that 31,849 casualties occurred in last year as set forth in your report, I understood you to say that your term "casualties" quite covers all applications for medical aid of any kind, besides accidents?—Trifling accidents and things of that kind.

3623. Am I right in assuming that one prisoner may have more than once applied for relief, and hence recorded more than once amongst that number of casualties as you term them?—Oh, yes; he may apply every day, but each day is recorded separately. These are enumerated more for the purpose of recording the number of calls that one has to get through.

3624. You have stated that the assistant surgeon sees 80 or 90 in three-quarters of an hour?—He has done so.

3625. Is that usual?—No; we had only 64 on Sunday.

3626. On Sunday?—Yes.

3627. Why do you specify three-quarters of an hour?—Because he must do it in that time.

3628. Is that the time set apart for the purpose?—It is a limited time. He commences at a quarter-past 12, and has to be finished at 1 o'clock.

3629. Then within that time he has to see all who came to him?—Their names are put down in the morning. They are drawn up in a line on a different landing. As one is coming down to you another is coming on, and they pass by like soldiers in a row, so that you have no hesitation. It is quite easy to do it.

3630. Can you state what is the maximum that is so examined within three-quarters of an hour?—120.

3631. A hundred and twenty?—Yes, 120.

3632. Do you know that that has been the maximum number?—I do not know that that is the maximum number.

3633. I will ask you to state, either now or at some future time, what has been the maximum number?—I will ascertain that, sir.

3634. You will kindly make a note of it, and state at some future time what had been the maximum number of prisoners that has been examined within that period of three-quarters of an hour. (Witness makes a memorandum.)

3635. Also, you will be kind enough to state what has been the average number of persons examined for the last year, say on any four days within the four quarters of the year? Take an average for the quarters; or on any day within each of the quarters of the last year? (Witness takes a note of it.)

3636. Have the treason-felony prisoners to apply for medical advice within that period of three-quarters of an hour?—No, they have not.

3637. They have not?—They have not. That is a separate part of the prison altogether.

3638. They do not come within that period of time at all?—No; they are seen in the morning at 10 o'clock.

3639. They are seen separately?—Separately, at 10 o'clock, and so are the separate cells at 10 o'clock.

3640. Do you exercise any supervision over the food supplied to the prisoners?—I do.

3641. In what way?—I see it nearly about every other day.

3642. About every other day?—Every other morning, sometimes three or four mornings running.

3643. Have you at any time had to make complaints of the quality or character of the meat?—I have.

3644. In what respect?—In respect to its not being sufficiently tender, it looks coarse and not of good quality, not sufficient fat in it, sometimes too much fat in the mutton.

3645. Have you observed at any time anything else?—It has been decayed, and sent back again by a jury before I see it, because the stewed mutton is back.

3646. But have you yourself condemned it?—I may have sent it back afterwards, after being badly cooked, from the infirmary. I never acted it until cooked,

and had I sent back from the stool, after being cooked, to be exchanged.

5647. Then you have on certain occasions observed tainted meat in the food supplied to the prisoners, which had passed other prison officials without being detected?—I have, sometimes seldom. You cannot detect it; it may escape observation, but such an occurrence is rare, but I have done it lately.

5648. You have done it, and done it lately?—Yes.

5649. I observed to-day that a portion of the mutton exhibited to us was tainted?—You did.

5650. Have you any supervision over that meat?—Oh yes, certainly; but that is hardly a fair criterion to go by, because it had not been received. That mutton had just been brought in from the contractor; it is laid before the deputy governor who has to examine it, and the steward.

5651. No better opportunity could be afforded for testing the goodness or badness of the supervision exercised?—Exactly. That meat had not been received.

5652. Do you know, as a matter of fact, what happened with regard to those two pieces of meat that I pointed out?—I do not. They certainly will not be kept.

5653. Who can testify to us what was done with them?—I will ascertain and let you know.

5654. But who is responsible for it?—The steward.

5655. What is his name?—Mr. Brown.

5656. When I went into the bath room, stated to be that used by the treason-felony prisoners, I observed a bad smell. Have you observed it on any other occasion?—I have not.

5657. Were you there?—I was, and I noticed it too. It was very bad indeed.

5658. Have you noticed it on other occasions?—Yes, when it was just erected; but I have not since.

5659. When was that?—I should think it is twelve months ago. It was occasioned by leaving the plug out, a piece of neglect.

5660. I should not think that a sufficient explanation?—The drainage is not good; there is not much fall.

5661. Have you previously observed it, or have you anything to report in reference to the state of the drainage here?—It is very poor.

5662. Very poor?—Very poor.

5663. The drainage is defective?—Well, you can hardly say it is defective, yet the fall is not sufficient.

5664. Have you noticed a bad smell as the result of bad drainage?—I have, sir. It is caused by not having sufficient fall. The tide forces back the drainage here, and makes its appearance.

5665. The tide makes its appearance?—The tide makes its appearance.

5666. Does the tide come into the prison?—The tide comes into the kitchen.

5667. The tide has been known to come into the kitchen?—Outside the kitchen.

5668. Have you made any report of the state of the sewers?—I have, and frequently.

5669. To whom have you reported it?—To the directors always, but I have had the chairman of the directors down with me surveying it.

5670. Then you have made reports from time to time respecting it?—I have. In fact, I have a report on it every month.

5671. Have you made medical reports to the director, or the Home Office, or the Office of Works?—I have, frequently.

5672. In what respect?—On their making inquiry with regard to health. I think principally with regard to that.

5673. Have you copies of reports that you have made to the directors or to the Home Office?—I have some.

5674. Will you be prepared to produce them to the Commission?—I will, if you could give me the date that I have to copy.

5675. I wish you to include all that you have made.—I have no clerk, and possibly I might not have all.

Some notes might have been formed on letters that came down, but as a general rule I have copied them myself. I have marked the letters to be ready in case any should be required; but if you point out any particular one I shall furnish it.

5676. Are they all in the book which you have there?—Yes, all that I have copied are in it.

5677. Can you now give the Commission the dates of any reports that you have made to the directors of prisoners to the Home Office, about the treason-felony prisoners?—I can, those that I have copied.

5678. Have you got some recollection of the date even of any that you have not copied?—There are a few that are not copied; a few not of any consequence that I have not copied.

5679. Can you not give us copies, or even the dates of all the reports which have been made by you in reference to the treason-felony prisoners, to the directors or to the Home Office?—The first one is April the 15th, 1856.

5680. This is only a sample of one?—That is a sample of one.

5681. I am not going to ask you to produce it now.—Oh, here is the first, the 11th May, about Halpin. That is the first that I have, sir.

5682. (Mr. De Vere.) In what year was that report made?—On the 11th May 1859: on the state of his health I see it is.

5683. (Dr. Lyons.) As a general observation, have you, Dr. Burns, come to any conclusion as to whether the health of the treason-felony prisoners has improved or deteriorated since they have been at Clutham prison?—Spending generally with regard to them—I do not think I have alluded to all—I have made that allusion in that, thinking it would make up for any deficiency of exercise that they had.

5684. Will you be so good as to be prepared at your next examination by the Commission to state your opinion as to whether the condition of health of those treason-felony prisoners have improved or deteriorated since they came to this prison?—I will.

5685. Will you be also prepared at the same time to lay the documents before us that I have asked you for?—All the letters I have written, I am certain I have copies of; but there may be notifications on the corners of some of those that I cannot now remember. I think it possible, however, that they are all here.

5686. You will be good enough, Dr. Burns, to look carefully over your books and memoranda, and be prepared to hand us in copies of all those which you have in your possession?—It is a large thing; I have no clerk.

5687. The governor must give you such assistance as may be necessary in making copies of them.

5688. (Chairman.) Speak to the governor and see if he can get you such assistance as you may require?—I will, my lord.

5689. (Dr. Lyons.) Do you think that the boards upon which the treason-felony prisoners sleep furnish as comfortable a bed as the hammock of other prisoners?—That is a matter of opinion entirely. Some men would prefer to sleep in a hammock and think it more comfortable. I think the others more comfortable, because in the hammock you might fall out, and many do fall out, and the strapping gives way. I think it is more comfortable on the floor where they are.

5690. Was it by your order that the drink of oatmeal and water was furnished for those prisoners?—Not for them.

5691. It was not furnished for them do you say?—I applied for it for the whole prison, and I suspect they have preferred it. They have never asked me for it. They got it because all are allowed it when on the public works. I thought it better than cold water.

5692. It was at your recommendation that it was supplied to them?—It was.

5693. And you found it useful?—I cannot say that they derived the benefit I expected from it. At one

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time when diarrhoea was prevalent. I rather looked to it with the expectation of checking it.

5694. Had it that effect?—No, it had not.

5695. Did the diarrhoea continue as usual?—It did.

5696. Did it promote it?—No, it did not promote it, nor did it stop it, but they liked it. They used to drink water in great quantities and got the colic and head.

5697. Have you had anything to do with the regulation by which the treason-felony prisoners have been put at stocking work?—I had nothing to do with that whatever.

5698. Can you state why it is that they are at that work, and not sharing in the work with the other prisoners?—I know nothing whatever about their employment. I have not been consulted about their employment.

5699. Do you consider them fit for hard labour?—I do.

5700. You do consider them fit to perform hard labour?—I do.

5701. Do you consider them all fit for hard labour?—I would not employ O'Connell at hard labour, for he has palpitation of the heart; but the last time I examined him the palpitation was away, he was free from it.

5702. Is it the custom to keep prisoners here who are not fit for hard labour?—No, the practice is to send invalids away, but there is no opportunity now for sending invalids away.

5703. Why is there no opportunity for sending them away?—Because there is no place to send them. I have only sent one man away in twelve months.

5704. Where did he go to?—To Woking; one of the treason-felony prisoners too, Burke.

5705. What difficulty do you find to operate against your sending prisoners from this prison elsewhere?—Merely that there is no room for them; no place to receive them.

5706. When you find that a prisoner is giving way in health, do you recommend his being sent away?—I do not; he has no place to go to. I have now some on hand to remove.

5707. How many?—18. I have applied to the directors to remove them to Woking, and I believe there is not sufficient accommodation there to receive them.

5708. (Mr. Brodick.) Is there not some difference between the dietary in use here and that in other public works prisons?—They have more at this prison than at the other public works prisons.

5709. Are you able to state in what the difference consists?—I think it is in two ounces of bread additional.

5710. Two ounces of bread additional per item?—Two ounces of bread additional per diet, and the soup on the Sunday.

5711. Have they soup here on Sunday instead of cheese?—(No answer.)

5712. You spoke of soup on Sunday as one of the differences in the dietary between this and other public works prisons?—They have no cheese on Sunday.

5713. In what respect does the Sunday dinner here differ from the Sunday dinner at other public works prisons?—I think that in the other dietary, they have cheese and bread—a very small proportion—but in this prison they have, without the cheese, a pint of soup, and five ounces of bread.

5714. How long have those differences in the dietary been in force?—They were put in force after the Commission that was held here to inquire on a report I made that the dietary was insufficient.

5715. Do you remember the year in which that was?—I cannot exactly tell you the date of it, but of course I can furnish it on another occasion.

5716. What led you to consider the dietary insufficient?—I found the men so weak and debilitated and so much incapable of working that I reported the circumstances to the director.

5717. Was the mortality increased at the time?—It was.

5718. And did you attribute the increase of mortality to insufficiency of diet?—I did.

5719. Was that after the diet had been lowered throughout the convict prisons?—It was.

5720. Was it in the year 1866?—I am not prepared to answer that without making up the notes.

5721. Are there any reasons in your opinion why the diet here should be more generous than at Portland?—My opinion is this, that the dietary is not sufficient here in the winter, but it is ample in the summer. I think exposure to the weather in winter requires an addition to the diet.

5722. (Dr. Lyons.) Do you refer to the present diet?—I refer to the present diet.

5723. (Mr. Brodick.) In your opinion is there any reason why a more generous diet should be afforded here than at Portland?—Well, I think so. I think that here they are in fresh water, and that I imagine is more severe to the people employed in it. Their feet are wet, and they are standing exposed to an easterly wind without any shelter whatever. In Portland they are employed in the quarries, where the high quarry on each side gives a certain quantity of shelter, and under cover, and the sea air is more bracing there.

5724. Do you weigh prisoners when they come into the prison?—Always.

5725. Are you able to state whether the weight of the treason-felony convicts at present in this prison?—Has increased or diminished?—I can only refer to their medical histories. Halpin has increased 11 pounds.

5726. Would you state one by one any increase or decrease in weight that you might have observed?—If they are not in the papers I have put in they are in the medical histories. The first is John Derry. When he came in his weight was 144 pounds, on the 12th May, that is the 12th of last month; I have not weighed him at this period, but the last time he was weighed he was 146 pounds and three quarters. On the 12th May he was 146 pounds and three quarters.

5727. (Dr. Lyons.) When was his weight 144 pounds?—On the 12th March 1869.

5728. (Mr. Brodick.) Take the next?—The next is McGuire. On the 12th March 1869 he was 154 pounds in weight.

5729. Was that on reception?—That was on reception. He is now 150 pounds and three quarters.

5730. (Chairman.) When was he last weighed?—On the 12th May, my lord.

5731. The 12th May 1870?—The 12th May 1870.

5732. Who is the next?—William Halpin. On the 19th August 1868 he was 161 pounds.

5733. (Mr. Brodick.) Was that on reception?—On reception. On the 12th May 1870 he was 178 pounds.

5734. Who is next?—Charles O'Connell. On the 12th March 1869 he was 129 pounds.

5735. That was on reception?—That was on reception. He is now, the 12th May, 119 pounds.

5736. (Dr. Lyons.) 119 pounds?—119 pounds.

5737. Then he has lost weight?—He has lost weight. O'Donnovan Rossa on the 24th February 1868 was 163 pounds and a half.

5738. (Mr. De Vere.) Was that on coming here?—That was on coming here, and on the 12th May 1870 he is 163 pounds and three quarters.

5739. (Chairman.) There is one more?—Yes, Henry Shaw. On the 18th May 1868 he was 148 pounds and a half, and on the 12th May 1870 142 pounds. I may mention that I ascribe in the loss in weight in three of those cases to their refusing food. O'Connell has been refusing food lately. I do not know why he is doing it.

5740. (Mr. Brodick.) When did Richard Burke leave this prison; do you remember the time?—Oh yes; I can tell you that. About the 10th December. On the 10th December 1869.

5741. In your opinion, when he left this prison, what was the state of his mind?—Well, he was in a rather lowish, weak state, but perfectly sound in his

mind. I took a great deal of trouble to ascertain the point, because he seemed to feign insanity.

5742. With regard to the dark cells, when a prisoner is confined in a dark cell, how often do you visit him?—Every day.

5743. You visit him every day?—I visit him every day.

5744. And suppose you found that confinement in a dark cell was operating injuriously to health, should you have the power to put a stop to it?—Certainly, I should appeal to the governor to remove him immediately.

5745. Have you done so?—I have done so.

5746. And has that request been complied with?—Always; it always has been complied with.

5747. (Chapman.) Is it your opinion, Dr. Burns, that there is sufficient ventilation in the dark cells?—There is not, my lord, not quite so much as there ought to be.

5748. Speaking medically, you would recommend more ventilation in the dark cells?—I would recommend more, my lord.

5749. In point of fact, is it the practice in the prison to weigh the prisoners periodically?—No, not unless I see a man losing flesh, or I have some reason for doing so.

5750. What would be your opinion of the arrangement if it were made a practice to weigh each man once in two months?—It would be a terrible business to go through all these men, my lord.

5751. But putting aside the inconvenience, should you think it advisable?—I should think it is a very good thing as an experiment, to try the effect of the food and diet, certainly.

5752. (Dr. Greenleaf.) Do you keep any notes of symptoms in the case sheets?—All those that are on treatment in the infirmary, I do.

5753. Are there daily notes kept by you?—Yes, daily notes.

5754. Do you keep notes of the results of the examinations that you make?—I keep notes of the results of the examinations that I make.

5755. And of the treatment?—Certainly, exactly.

5756. That is the system as I understand in the hospital?—Yes.

5757. And those particulars are in your possession?—These are in my possession.

5758. Do you consider these notes to be your own property or public property?—Public property.

5759. Do you see any objection to these notes being seen by the patients?—I never allow them to be seen by the patients.

5760. On what grounds do you not wish they should see them?—There are two or three. In the first place I do not think it does a man any good to know the extent of his disease. Another is that I may have some notes to make of him that are objectionable to him, and he might take advantage of an opportunity to destroy that paper—a further objection.

5761. I gather from what you say that you think it very objectionable that the prisoners should be allowed to see these notes?—I do.

5762. I see by your report, not yet published, dated January the 12th of the present year, that you mention the fact of several patients having refused their food?—Yes.

5763. Does that apply to the treason-felony prisoners?—Not to them alone.

5764. But you have mentioned some of them who do refuse food?—They do.

5765. You have mentioned the names of two or three, and said that their weight had fallen off in consequence of refusing food?—It has.

5766. Do you receive a report of their having returned their food?—I do daily. I had one this morning, and have every day for a long time, which is quite usual.

5767. Do you consider it to be a part of your duty when food is returned to inquire why it is returned?—I do.

5768. If you think the cause is a sufficient one, what do you do?—I try to correct it as much as possible. I consider that these prisoners have sufficient; for instance, two of them say that they do not want it, and I quite agree with them. The food is too much for Ross; too much for Halpin; and O'Connell I question about. I think he would be the better of it, but he is not inclined to take it.

5769. If a prisoner returned his gruel and said that it did not agree with him, or that it caused indigestion, what would you do?—I should possibly put him under treatment in hospital for a time and see what it was or not; give him change of diet for a day or two, and let him eat again.

5770. And finding that it did not agree with him, could you order him tea?—It is objectionable, for this reason; if there is a certain class of men entitled to choose whether they will have tea or gruel, I think it is objectionable to change the diet. My own opinion is against tea at all. I think gruel is far fitter for prisoners than tea.

5771. Then you have no power to alter the diet of a prisoner at full labour if it does not agree with him?—I could not do it without reference to the director.

5772. You said that the treason-felony prisoners have not enough exercise?—They have not.

5773. What is the amount of exercise that these prisoners are allowed?—At first they had the usual exercise allowed, which is one hour every day. I then applied for two hours a day and it was granted; but I found that they did not take exercise at all, but sat down about the yard; and that indigestion that they complained of was possibly owing to insufficient exercise, and I requested that they would have more outdoor exercise to compensate for that, and that is the reason that they have had four hours for exercise of late.

5774. Then they now have four hours exercise?—They now have four hours, when one hour only is allowed.

5775. Are there any other prisoners here who are doing the same kind of work as the treason-felony prisoners?—I don't see, in the tailor's shop.

5776. What amount of exercise have they?—One hour.

5777. Is their appetite good?—They are in good appetite.

5778. Did you find that the treason-felony prisoners suffered in health from the want of sufficient exercise?—I could not say that I did, except their general appearance and complaining of dyspepsia.

5779. You had their time for exercise considerably increased?—I did that merely from the consideration that as the work is not now of particular value to the prison authorities, I thought it better to have them in the open air.

5780. Then they are now enjoying four hours exercise, while the other prisoners are exactly as they were before in respect to the amount of exercise allowed to them?—They are.

5781. You said, in answer to a question put to you some time ago, that "phthisis—consumption—is very prevalent here," do you think that such prevalence is caused by any condition incidental to prison life?—I think not to prison life.

5782. Do you think then, that the prisoners have already a tendency to it before they come here?—I think so.

5783. You think that that is the case?—I think so, but some of those who have died here have died from exposure, from inflammation of the lungs without phthisis.

5784. You do not think that there is anything in the treatment of the prisoners in this prison which produces disease in those who are not already predisposed to it?—I do not.

5785. You do not think that working in the docks produces phthisis?—I think not.

5786. I mean my question to apply to cases having a hereditary tendency to that disease?—From the fact, possibly, you mean.

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5787. As a matter of fact?—No, that has not been found as a matter of fact.

5788. You have also stated that the drainage of this prison is very bad?—It should be better.

5789. That is, it is imperfect in consequence of want of fall?—Want of fall.

5790. Have you found that any disease has been produced by that want of proper drainage?—Not particularly; I should say, "No." I have not found diseases produced by it that I should expect, because I should expect to have typhus or typhoid symptoms. Now it is a very rare disease here.

5791. Typhoid fever?—Typhoid fever.

5792. Have you had any of it?—Yes, we had two or three; but you can hardly ascribe that to the drainage, because it would be considerable if it was that.

5793. Does diarrhoea prevail amongst the prisoners here?—It always prevails amongst the prisoners who are newly arrived. I ascribe that to the water. I made complaints of the water here and it was eventually supplied from the town.

5794. Have you had much diarrhoea in the prison since the water supply was changed?—We have, but chiefly in the case of new prisoners; the water of this place invariably produces diarrhoea.

5795. Even the water of the town?—Even the water of the town. They generally have a slight attack of diarrhoea on arrival.

5796. You have not thought that the diarrhoea was caused by the defective drainage?—No, I do not.

5797. Have you found that diarrhoea prevailed most amongst those prisoners who work out of doors?—No, I have not. It is equally prevalent amongst all classes here.

5798. Is it prevalent also amongst the officers and their families?—It is.

5799. As much as it is amongst the prisoners?—Well, I have hardly had an opportunity of judging of

The witness withdrew.

The Commission adjourned.

Woking Prison, Wednesday, 6th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BROWNE.
S. E. DE VERA, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

Captain HARRIS recalled.

Capt. Harris.
8 July 1870.

5808. (Chairman.) Captain Harris, have any letters been forwarded by any of the treason-felony prisoners to you since our first visit here?—A letter and telegram have been forwarded since the first visit of the Commission, my lord.

5809. A letter?—A letter, my lord.

5810. From whom was that letter?—From Malcolmy.

5811. To whom was it addressed?—It was addressed to his sister in Dublin.

5812. Was the telegram also from Malcolmy?—It was, my lord.

5813. Was it addressed to the same person as the letter?—It was.

5814. (Dr. Lyons.) The letter and telegram from Malcolmy were both addressed to his sister?—The telegram was addressed to Mr. Pigott.

5815. (Chairman.) There is also a letter from Dillon?—Yes, my lord.

5816. To whom is that letter addressed?—It was addressed to the secretary, and I have sent it to him to Parliament Street.

5817. Have any letters been addressed by the prisoners, or by any of them, to Mr. Butt?—Not by

that, because the officers are here for a long time, with their friends perhaps, and natives sometimes.

5800. (Chairman.) Did I understand you to say that two of the treason-felony prisoners stated they had more food than they wanted?—I did; Bama has told me so frequently.

5801. Bama, Halpin, and I think O'Connell?—Yes, Bama and Halpin have told me so, my lord.

5802. Have they told you so on more than one occasion?—On more than one occasion, my lord. He returns very regularly a quantity. It is 11 ounces one time, 12 the other, and 10 the third.

5803. (Mr. Brodribb.) Is that per week?—No, daily.

5804. (Dr. Lyons.) Can you supply the Commission with a return from your books of the amount of food returned by these prisoners?—I can give you an account, stating the quantity of food they returned every day.

5805. For how long a period have they been returning food?—I can put that down.

5806. You can put that in the return?—Yes.

5807. (Mr. De Vere.) May I ask you, Dr. Burns, whether that return of food has been accompanied by any complaint in regard to the quality of it?—I go there and examine what they refuse. When I ask them why they do not use it, they say, "Well, it is more than I want," or "I do not want it." O'Connell made some objections lately. The last time I had occasion to do this, he complained of the potatoes being bad. The potatoes we stopped at the time of the year, fearing that the contractor could not supply them, in consequence of which they have not been supplied with potatoes, and he asked for them to be continued. That I did, and he then charged me with supplying bad potatoes. Then I said, "You had better take the usual dietary," and I supplied him with it, and he rejected that too.

The witness withdrew.

The witness withdrew.

The Commission adjourned.

The Commission adjourned.

The Commission adjourned.

The Commission adjourned.

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The Commission adjourned.

The Commission adjourned.

3826. To whom was it addressed?—Under cover to me, and addressed separately to each of the prisoners whom I have named already.

3827. Do you mean that you received a separate letter addressed to each of them?—Yes, a separate letter to each.

3828. (Dr. Lysons.) Received this day?—This day.

3829. (Chairman.) Under cover to you?—Yes, my lord.

3830. Have you handed those answers to the prisoners?—I have not.

3831. On what ground have you not done so?—I consider that the expressions contained in the letter—expressions of opinion—might hinder the present inquiry.

3832. Do I understand you to say that you consider it undesirable in the discharge of your duty as deputy-governor of this prison to hand those answers to the prisoners?—Yes, to hand them to the prisoners without obtaining superior authority for doing so.

3833. Are the prisoners aware that any answer has been received?—They are not.

3834. By "superior authority," do you refer to the directors?—To the directors. And I may add, that an answer which I received to Malinsy's letter from his sister I have also considered it unnecessary to give him.

3835. (Dr. Lysons.) Unnecessary, or unfit, which do you mean?—Unfit, objectionable: from the expressions that were contained in it.

3836. When did that letter arrive?—It arrived here yesterday. I may say that it referred to correspondence—

3837. I think we had better not go into it?—Very well.

3838. (Mr. De Vere.) Is it your wish to refer that letter also to superior authority?—I have done so.

3839. (Dr. Lysons.) You have sent it?—Yes, it went this morning.

3840. (Mr. De Vere.) To the board of directors?—To the board of directors.

3841. And the letter is there now?—The letter is there now.

3842. Have you referred Mr. Batt's letter to the board of directors also?—I have not had an opportunity.

3843. (Dr. Lysons.) Is it your intention to do so?—It is. I intend to do so to-day.

3844. (Chairman.) You will do it by to-day's post?—By to-day's post. May I add a remark with regard to a telegram I received an hour ago for the prisoner Malinsy?

3845. (Dr. Lysons.) At 11 o'clock to-day?—At 11 o'clock to-day.

3846. (Chairman.) Have you communicated it to him?—I have not, my lord.

3847. Have you refrained from doing so on the same ground or on a similar ground to that on which you have not communicated the letters?—On precisely similar grounds I referred the matter by telegram to the authorities in London.

3848. (Dr. Lysons.) You have?—I have.

3849. (Chairman.) You have got to reply;—No; I expect one by 1 o'clock.

3850. From whom was that telegram?—From "R. Pigott, editor, of the 'Irishman' newspaper."

3851. The time has perhaps arrived when I should mention to you, Captain Harris, that we are not prepared in any way to seek to interfere with the discretion which you have exercised. We do not think it within our province, either to examine the answers, or to interfere in any way with the manner in which you propose to discharge your duty, if it be your duty, as regards these matters. At the same time we may mention to you that it is our intention to communicate direct to the authorities, stating to them that we have felt it beyond our province to interfere, either here or at Chatham, with the discretion of the governor, as regards the handing over to the prisoners the answers received for them. But while

we say that, we should express our own view, that it is desirable, so far as the consideration of the prison discipline permits, that the prisoners should have (as we have already recommended that they should have) every facility for communicating with their friends with reference to the preparation of their statements; so, on the other hand, it would seem to be desirable that they should be afforded facility for receiving from their friends whatever replies may bear on the subject of the present inquiry. It is right that you should know that we will communicate, that at the same time that we distinctly decline to interfere in any way with your discretion?—Just so, my lord.

3852. What document, Captain Harris, have you supplied the prisoners, upon their making application to you, in accordance with the letter of the directors?—Doris Malinsy has been supplied with his suppressed letters; second, with copies of interviews with the directors, and third, with the governor; fourth, copies of reports as recorded in the prison books.

3853. With the decision?—With the decision, my lord. He has received in addition to that the medical notes from various prisons—Portland, Dartmoor, Millbank, and Woking, and I may add that these were only furnished to him this morning.

3854. (Dr. Lysons.) These are only extracts from the medical notes?—Extracts from the medical notes.

3855. (Chairman.) These are all that were supplied to Malinsy?—Yes, my lord. Bryan Dillon has received one suppressed letter.

3856. (Dr. Lysons.) Did he receive the original letter, or merely a copy of it?—The original of it; the medical case sheet at Woking.

3857. (Chairman.) Extracts from it, or the whole?—Extracts from it; copies of applications to the directors, and to the governor at Woking.

3858. With the results?—With the results, Roan-tree—

3859. (Dr. Lysons.) Then Dillon has received only three things?—That is all at the present moment. I think he has applied for something else on the 4th July, but he has not been furnished with it. William Roan-tree is the next.

3860. What has he got?—He asked for the number and dates of letters written at Woking by him; that was furnished to him. Copies of reports and punishments awarded here and at Portland.

3861. Did he get the letters besides the number and dates?—The letters he sent away from here—nearly the dates.

3862. Were there some of his letters suppressed?—There were none of his. I will come to that further on. Second, copies of reports and punishments awarded at Woking and Portland; copies of interviews with the director; copies of interviews with the governor.

3863. (Chairman.) Do those copies in all cases record the results?—They do, my lord—any remark that may be made on it; suppressed letters at Woking, two.

3864. (Dr. Lysons.) Two suppressed letters?—Two suppressed letters.

3865. (Chairman.) The originals?—The originals; and three suppressed at Portland; medical case sheets from Portland, Woking, and Pentonville.

3866. (Dr. Lysons.) That is, extracts from them?—Extracts from them, the medical history.

3867. Anything else?—Nothing else for Roan-tree.

3868. (Chairman.) Who is the next?—Edward Power is the next. He has been supplied with copies of interviews with the governor at Millbank and copies of interviews with the director at that prison. He has been supplied with suppressed letters at Woking and at Portland.

3869. How many here?—Two here and two at Portland, in all four: copies of reports at this prison, copies of interviews with the director and governor of this prison, copies of interviews with the director at Portland, and copies of interviews with the governor at Portland. He has also been supplied with extracts

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from medical case sheets at Portland, medical notes from Dr. Gover at Millbank, and medical notes from the medical officer here.

5870. (*Dr. Greenhalgh.*) Extracts from the medical notes only?—Extracts.

5871. (*Chairman.*) That accounts for four of the prisoners?—That is all they have been supplied with up to the present time.

5872. (*Dr. Lyons.*) What has Thomas Bourke got?—Thomas Bourke has not received anything up to to-day. He applied for certain documents on 24th and 30th June, and I hold in my hand an application now.

5873. (*Mr. De Vere.*) Have you yet received an answer to Dilke's application for documents which was forwarded through the secretary of this Commission?—I have not.

5874. (*Chairman.*) Thomas Bourke has not up to to-day, you say, received any paper?—He applied for documents on the 24th and 30th June. He has not received any yet.

5875. (*Dr. Lyons.*) On this day what did he ask for?—He states in a memorandum to me this morning: "I omitted the mention of a letter to me which was suppressed in April 1869."

5876. (*Chairman.*) Is that here?—I fancy it will be, my lord. I have not had time to look. I just received this this morning: "I wish to be supplied with this if possible" (I am reading from his memorandum): "my statements to the Secretary of State and the directors; also the answers of the Secretary of State and the directors to them."

5877. Is that all he asks for?—That is all in Bourke's case.

5878. These you will supply to him as far as you can get them?—As far as I can get them. The reply to the petition to the Secretary of State may not, possibly, be given.

5879. There is another prisoner who has applied for documents?—Bayan Dillon. He sent me an application. Does it correspond with that which was received by the secretary? (*Mr. O'Leary examines the document.*)

The witness retired.

The Reverend JOHN O'LEARY EXAMINED.

5881. Will you be good enough to give your name to the shorthand writer?—John O'Leary.

5882. The Reverend John O'Leary?—Yes, my lord. I would wish to premise a remark before giving evidence.

5883. Do you wish it to be taken down?—If you please.

5884. Very well; go on, if you please?—The remark which I want to premise is, that I have seriously abstained from acquiring any knowledge of the treatment of the prisoners since I came to the prison, for two reasons: first, because my bishop gave me instructions to confine my labours to the spiritual wants of the prison; and secondly, because if I were to interfere on behalf of the prisoners as regards their treatment, I should very likely have a great many who would resort to my ministrations in order to gain the benefit of my influence with the authorities, and in order to prevent the applications which very likely would result from my interference, I have rigorously refrained from acquiring knowledge of the condition of the prisoners, except such as forced itself on my observation. I state this as the general principle of my conduct as Roman Catholic priest of this prison.

5885. I understand your view, and if any question is put to you that you do not feel justified in answering, you can at once take an objection?—Thank you, my lord.

5886. You are the Catholic chaplain or visiting priest of this prison?—My title is Roman Catholic priest of this prison.

5887. How long have you been so?—For two years and a half.

5888. (*Dr. Lyons.*) What is the date of it?—These are dated 4th July, also 5th July. He has received some of the things that he mentions here. There is one thing mentioned here; he asked for "copies of reports entered against me in the prison books." There are no reports. I have another application here, received from Mulohy, dated the 5th July. He says, "Have you authority to let me have an abstract of the quantity and the kind of food returned by me in this prison, as entered in the return diet book, with the dates and quantity received each day; also an abstract of my weight on reception in this prison, and on the various times when weighed in this prison?"

5889. These you can give, of course?—The medical officer, no doubt, will be able to furnish them, if the Commission think it desirable.

5890. They are simple facts. I do not see why he should not have them. He may have them?—Very well.

5891. That is all that you have to say to us?—That is all I have to say. My lord, there are other copies of the medical certificates received from other prisons, and also this prison, for the use of the Commission alone.

5892. You will put them on our table?—I am prepared to do so.

5893. (*Mr. De Vere.*) From whom was the telegram for Mulohy that you received to-day?—From Mr. Pigott.

5894. (*Dr. Lyons.*) R. Pigott, "Irishman" office?—Yes, I think so. I am not quite sure what was the gentleman's name—Pigott or R. Pigott. They spell it wrong in the telegram.

5895. (*Mr. Brodrick.*) Have you telegraphed to the directors on receipt of the letters?—I have not.

5896. (*Chairman.*) By what time do you expect to receive a reply from the directors?—By 1 o'clock to-day.

5897. That is to the telegram?—To the telegram.

5898. By what time do you expect a reply as to their decision on the manner of dealing with the letters?—The day after to-morrow, Friday morning.

Rev.
J. O'Leary.

5891. Will you be good enough to give your name to the shorthand writer?—John O'Leary.

5892. The Reverend John O'Leary?—Yes, my lord. I would wish to premise a remark before giving evidence.

5893. Do you wish it to be taken down?—If you please.

5894. Very well; go on, if you please?—The remark which I want to premise is, that I have seriously abstained from acquiring any knowledge of the treatment of the prisoners since I came to the prison, for two reasons: first, because my bishop gave me instructions to confine my labours to the spiritual wants of the prison; and secondly, because if I were to interfere on behalf of the prisoners as regards their treatment, I should very likely have a great many who would resort to my ministrations in order to gain the benefit of my influence with the authorities, and in order to prevent the applications which very likely would result from my interference, I have rigorously refrained from acquiring knowledge of the condition of the prisoners, except such as forced itself on my observation. I state this as the general principle of my conduct as Roman Catholic priest of this prison.

5895. I understand your view, and if any question is put to you that you do not feel justified in answering, you can at once take an objection?—Thank you, my lord.

5896. You are the Catholic chaplain or visiting priest of this prison?—My title is Roman Catholic priest of this prison.

5897. How long have you been so?—For two years and a half.

5898. Were you previously connected in the same character with any other prison?—Never, my lord.

5899. During that time, what number of prisoners of the Roman Catholic communion have you had under your charge?—The average number I should think, my lord, is about 140. Lately it has been much larger than it ever was before, in consequence of some 60 inmates having been placed under my charge who were usually detained and treated in Millbank Prison.

5900. How many?—About 60 convict inmates.

5901. Have you experienced here all necessary facilities for the due performance of your sacred duties?—There is nothing of which I could complain, my lord, with respect to the liberty I am allowed in performing my religious duties towards the prisoners.

5902. Is the chapel sufficient, in point of accommodation, to the number of your flock whom you wish to be present there?—Quite so.

5903. You do not find any obstacle thrown in your way in performing the ministrations of the holy office with which you are charged?—Not a single one.

5904. Amongst those under your spiritual charge here are the eight treason-felony prisoners with whose cases you are specially charged to inquire?—Yes, my lord, with the exception of one, who has been forced by the rules of the prison to declare himself either a Catholic or a Protestant, being neither a Catholic nor a Protestant.

5905. Is that Murphy?—Yes.

5906. John Murphy?—That is his name in prison.

5907. Has he another name outside?—His real name is O'Leary.

5908. In point of fact is it the case that he has declined your ministrations?—He has declined all ministrations at my hands.

5909. With regard to the other seven treason-felony prisoners here, have they had full opportunity, or such opportunities as you would desire, of attending to the chapel service and taking the sacraments of the church to the fullest extent that you would wish and think necessary?—I believe so.

5910. Have you ever received from any of them any complaints on that point as regards their spiritual care?—I believe that on a few occasions they complained of not having been admitted to mass on holidays of obligation; but it was owing to accident that they had not been admitted. They happened to be in the infirmary, and owing to an accident the infirmary warden did not conduct the prisoners in the infirmary on those few occasions to mass on holidays of obligation.

5911. Has that recently occurred?—Yes, I think it occurred once recently, but I could attach no blame to the authorities on account of it; I should rather attach blame to myself for my own forgetfulness to inform the infirmary warden that the following day was a holiday of obligation.

5912. Were any representations that you made on the subject always attended to?—Certainly, my lord, always.

5913. With regard to the approach of any prisoner to the steps of the holy altar, is there anything in the demeanour of the warders while attending them, which appears to you improper, or calculated to diminish wholly the utility of the prisoner?—Of course the warders are Protestants, my lord, and I cannot expect them to show that reverence which would be shown by Catholics to our divine service; but I cannot accuse any of the officers. No positive disrespect to the service has ever come under my observation.

5914. Nothing has been done which would interfere with that concentration of mind which would be desirable at the time?—Not that I am aware of.

5915. (Mr. De Vere.) Did any of the prisoners ever complain to you of any such conduct on the part of a warden?—Prisoners have sometimes complained to me that they have been disturbed at their prayers by being removed from the position which they took in the chapel to another one by a warden.

5916. But on the occasion of their coming up to holy communion did they ever complain to you that they were disturbed by the demeanour of the warden who accompanied them?—No warden accompanies them to communion. They come out of their cells and approach the holy communion just as Catholics do in ordinary chapels.

5917. Have they ever made any complaint of the conduct or demeanour of a warden on the occasion of their going up to communion?—I do not remember of any complaint having been made on the subject.

5918. Mr. O'Leary, with regard to books, may I ask you what are the books from which a selection is made for the use of the prisoners?—The books that are contained in the ordinary prison library. I must say that the directors have also given me a grant for the purchase of Catholic books for the Catholic prisoners.

5919. May I ask you, Mr. O'Leary, who selects the books for the Catholic prisoners?—The selection of Catholic books, that is, of those that are specifically Catholic, is left to me.

5920. And who selects the books for them which are not of a religious character?—The chaplain of the prison selects them.

5921. The Protestant chaplain?—The Protestant chaplain; but I believe that the greater number of the books were selected years ago; that is, before the appointment of this chaplain.

5922. Have you ever had reason to object to any of the books which were supplied to the Catholic prisoners by the Protestant chaplain?—I have had reason to object to some of the books that I found in

circulation among the Catholic prisoners here; but I had no reason to complain of their circulation. I had reason to object to them because they were rather offensive to the feelings of Catholics; but still I had no reason to complain of them, because I have had perfect liberty to prohibit the circulation of any book that is in the library amongst the Catholic prisoners.

5923. Did you find it necessary to exercise that power on any occasion?—I have prohibited several books that used to be in circulation amongst all the prisoners, Catholic as well as Protestant; but I believe that the priest has always enjoyed the power of prohibiting the circulation of objectionable books amongst the Catholic prisoners.

5924. The library contains Protestant books of devotion as well as Catholic books of devotion?—It does.

5925. Would it be within the power of the Protestant chaplain to give books of Protestant devotion to Catholic prisoners?—It is not within his power if I should have prohibited their circulation beforehand.

5926. Have you, as a matter of fact, prohibited the circulation of books of Protestant devotion amongst Catholic prisoners?—All books that are specifically Protestant have been prohibited to be circulated amongst the Catholic prisoners.

5927. Then you have no complaint to make as to any persistence in circulating any books that you have objected to?—None, sir.

5928. (Dr. Ligon.) Could you name any of the books which you have caused to be struck off the list of those that may be supplied to the Catholic prisoners?—I could not now, except in a general way. Several books that have been published by the Society for the Diffusion of Christian Knowledge have been prohibited by me as books unfit for the reading of Catholic prisoners.

5929. Have your objections to those books been based upon the fact of their containing things that you considered not suitable for the reading of the prisoners merely, or was it on religious grounds that you prohibited their circulation amongst the Catholic prisoners?—On religious grounds.

5930. Have you had to object to the circulation amongst the Catholic prisoners of any books in consequence of anything contained in them referring to merit in any way that you considered objectionable?—I do not think that I have; I do not think that any book has been brought under my notice that contained anything that would hurt the moral feelings of anybody.

5931. Are there any books which, in consequence of any historical references of any kind, you have found it necessary to prohibit the circulation of amongst the Catholic prisoners here?—Yes, I have found it necessary to prohibit certain books. I believe one is "Sketches of Irish Life."

5932. "Sketches of Irish Life!" Could you name the book or the author?—I know the book, but I could not name the author of it at present.

5933. Is the book still in circulation?—No, it is not.

5934. What was your objection to that book?—I thought it ridiculous a good deal Irish character. I should remark that the literature of this country is mostly Protestant, and that if a person wishes at all to read English literature, or works in English literature, he must be prepared to meet with certain things offensive to the feelings of Catholics in those books; and I should be very sorry to prohibit, supposing valuable history, merely because it contained a paragraph or even a chapter that was offensive to the Catholic mind.

5935. Did I understand you to say, in answer to Mr. De Vere, that you thought the Catholic prisoners had at all times sufficient and proper access to religious service?—I believe so. I do not think the prisoners have anything to complain of in that respect.

5936. Is it the fact if a prisoner is in a punishment cell, and Sunday or a holiday of obligation is the Catholic Church falls within the period of his punishment, that he would not be allowed to go to mass on

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that day?—That is the case; but the rule extends equally to Protestants.

5907. Yes, I know it does; but so far as you are concerned with Catholics, and knowing as you do the paramount obligation that there is on the part of Catholics to attend mass on all Sundays and holidays of obligation, do you consider that that is a regulation which you can approve of?—I cannot approve of the regulation in itself; but I cannot complain of it, as Protestants are affected in a similar manner. In an establishment of this kind I could not expect that Catholics would be allowed greater privileges than Protestants.

5908. Do you not consider that it is to be regretted that a prisoner who may be under punishment should be deprived of that which is perhaps the most efficacious means of restoring him to a sense of his guilt and crime by attendance at mass on Sunday?—I regret it as a necessary evil.

5909. Have you ever made any representation of any kind to any of the authorities in reference to this subject?—I have not.

5910. You have not?—No; for this reason, that it is a rule that is enforced in all the prisons, and I should think the initiative should be taken by some person who is my superior, both in position and in wisdom.

5911. Have you ever made it the subject of any representation to your own religious superior?—Never. They were well aware of it before I came here.

5912. They are aware of it?—Yes.

5913. Could you say, as a matter of fact, that it often occurs in the course of a year that a prisoner, by reason of his being under punishment, is deprived of the advantage of hearing mass on Sundays and holidays of obligation?—A prisoner may be confined in a punishment cell six months, and during that time he is shut out from attendance on divine worship, except such as he gets privately in his own cell.

5914. I will ask you again whether it has occurred frequently in your experience that a prisoner has been deprived of the privilege and advantage of attending mass on Sundays and holidays of obligation in consequence of his being under punishment?—It has occurred several times.

5915. It has occurred, you say, several times?—Invariably when the term of punishment included the Sunday.

5916. Could you furnish the Commission with a return of the number of instances in which Catholic prisoners in this prison have been deprived of the privilege and advantage of attending mass, during the last year, in consequence of having been under punishment during periods in which Sunday formed one of the days?—I think I could.

5917. Then will you be good enough to do so?—I shall, with pleasure.

5918. (Chairman.) Are you aware whether any representation on that point has been made to the British Government, either by members of Parliament or by bishops or archbishops?—I am not aware that any such representation has been made to the Government, my lord.

5919. Am I correct in supposing that your power of prohibiting the circulation amongst Roman Catholic prisoners of any books to which you entertain objections is effected?—I think it is.

5920. You never had any difficulty in suppressing the circulation of a book amongst the members of your own communion?—I never had the slightest difficulty in doing so.

5921. (Dr. Lysons.) In reference to the days of fast and of abstinence, is there any kind of provision in the prison regulations to enable Catholic prisoners to observe the ordinances of the church in this respect?—None whatever.

5922. Do the ordinances of the church apply to Catholics in prison, as they do to those outside prison, in regard to such observances?—I believe not. Our church looks upon prisoners in the same light as it looks upon sailors and soldiers, who are exempted from the obligation of abstinence and fasting.

5923. I am aware of that, but I wish to have it in evidence. Do you consider that the prisoners have full and sufficient facilities for going, when they desire so to do, to an ordinary confessor, as well as to extraordinary confessors required by the church, to confession and communion?—Every prisoner in the prison has an opportunity of going to confession every Saturday, and may either day during the week, and also of going to mass every Sunday. I know of no obstacle that is in the way of any prisoner in discharging those duties weekly.

5924. What is the hour at which prisoners have an opportunity of availing of the privilege of going to confession?—The ordinary time which I devote to hearing confessions is from about half-past 5 o'clock on Saturday evenings until a quarter to 8.

5925. From half-past 5 to a quarter to 8 for the whole?—Yes; I find that that time is sufficient for the number of applicants for confession weekly.

5926. Do you consider, when you take into account the occupation of the prisoners, and the service of a meal about that time, that there is sufficient facility allowed to the prisoners for performing the obligations of their religion on Saturday evenings?—I have never heard a complaint made by a prisoner that there is not sufficient facility.

5927. If it did happen to be the case that a prisoner came in from work in his wet clothes, would he have any option between going to confession in his wet clothes, and perhaps hungry, without his supper, and giving up the opportunity of going to confession?—I think that all the prisoners are aware that I am very willing to hear their confessions on Sunday mornings as well as on Saturday evenings, if anything should prevent them from attending on Saturday evenings.

5928. Have any prisoners made any complaint to you in consequence of their having been so circumstanced, by reason of exposure to wet, or the chance of losing their supper?—The only complaint of that sort that has ever been made to me is, that of communicants being forced to remain without breakfast until after the time of exercise.

5929. That is another point that I am coming to by-and-by; but what I am now asking you is with regard to the supper of the prisoners on Saturday evening, and to their returning wet from out-door labour. Have any complaints been made to you by any of the prisoners on account of either of these two inconveniences?—I think not. I do not remember any such complaint being made. With regard to that point, I should perhaps remark, that the prisoners break off work on Saturday evenings at half-past 4 o'clock and I do not commence to hear confessions until half-past 5, so that they have got full time to take their meal in the evening before they are called on to come to confession.

5930. You commence to hear confessions at half-past 5?—Yes.

5931. What is the hour of meal?—I think they can commence their meal at about a quarter to 5, so that they may have three-quarters of an hour for supper before they are called on to come to me.

5932. Are you quite sure of that?—That is my impression; but, as I have remarked in the commencement, I have obtained sedulously from learning any of the grievances of the prisoners.

5933. I quite understand you, but I want to know if you are aware that they have the accommodation you speak of?—I am not quite sure.

5934. Then you do not know at what hour their evening meal is?—I do not.

5935. With regard to the attendance of prisoners on the mornings of their going to holy communion, if the day happened to be a holiday of obligation in the Catholic church, has it happened, or might it happen, that the prisoners are obliged to go to work before they go to holy communion?—I seldom administer the holy communion on holidays of obligation, because all the advantages of communicating on that day are available on the following Sunday; so that those who wish to gain the indulgence attached to a holiday of

obligation may give it by communicating on the following Sunday.

3566. I merely ask you, as a matter of fact, if it has occurred. The shorthand writer will read the question I have put to you. (The shorthand writer reads question 3565).—"With regard to the attendance of prisoners on the meetings of their going to holy communion, if the day happened to be a holiday of obligation in the Catholic church, has it happened, or might it happen, that the prisoners are obliged to go to work before they go to holy communion?"—Certainly, if they want to work.

3567. How it happened?—I do not think it has. I do not think it could happen, because certainly they could not communicate if they had first gone to work.

3568. They could not communicate if they had gone to work that morning?—No.

3569. Why could they not communicate?—Because if they went to work in the morning they should remain at work until noon.

3570. Are there any Catholic warders in this prison?—There are a few.

3571. It is not the custom in this prison that the prisoners who are to approach holy communion are conducted to the communion rails by a warder?—It is not.

3572. Has it ever occurred here that a prisoner has been conducted by a warder to the communion rails?—Not to my recollection.

3573. Does the fact that a prisoner is going to communion in any way interfere on a Sunday or holiday with his getting his breakfast?—Several prisoners have complained to me that their going to communion necessarily obliges them to abstain from breakfast until a late hour in the morning.

3574. Do they get a breakfast at all that morning?—They do. I believe they do.

3575. At what hour do they communicate?—They communicate about half-past 9.

3576. What is the hour at which the prisoners breakfast?—The ordinary hour of prison breakfast on Sunday, I think, is about 7 or half-past 7 o'clock.

3577. Then do you know, as a matter of fact, that the breakfast of those prisoners who go to communion is kept for them, or is allowed to be kept by them, until after the hour of communion?—They are obliged to abstain, I believe, until after the hour of exercise, which takes place immediately after mass; but at the same time I believe they are not deprived of their breakfast.

3578. What hour would that bring us to?—That would bring us, I think, to about a quarter past 11.

3579. Have you made any representation with regard to that difficulty, which it is obvious from what you say prisoners labour under in regard to their breakfast on the mornings on which they communicate?—I have not.

3580. How do you make known that prisoners want to go to communion?—It is not necessary that I should notify it to anybody.

3581. It is not necessary?—It is not necessary. When they are in the chapel they are at perfect liberty to come to communion or to remain from it.

3582. Did I understand you to say a while ago, in reference to the treason-felony prisoner Murphy, whose real name you say is O'Leary, that you pronounce positively that he is neither a Catholic nor a Protestant?—That is his profession.

3583. In what manner has he communicated that to you?—In express terms. He is registered a Catholic, but his language I trust any has been most flagrant. It was as far as to deny any belief in the existence even of God.

3584. Was that on a former occasion, or lately?—Repeatedly.

3585. Has it occurred lately?—No, because I have abstained from having any communication with him a long time. In fact he expressed a wish that I should not have anything more to do with him.

3586. How long since have you ordered him any kind of religious administration?—It is 12 months.

He has never been otherwise when I attempted to do it than insulting and abusive.

3587. But you would not mind that if you could exercise any influence over him?—Not in the slightest. I should endure any abuse if I could produce any salutary impression on his mind.

3588. Am I to understand that you have left him for a period of 12 months without any administration on your part?—I thought myself perfectly justified in doing so, and I thought myself not only justified, but I have always found that the result of my conversations with him was to confirm him in his disbelief.

3589. Does he attend mass?—He attends mass, but he sits down from the commencement to the end, even during the consecration.

3590. He remains seated?—He remains seated.

3591. Does he in any other manner show any disrespect?—I do not think he has respect for anybody.

3592. Does he show disrespect at mass in any other manner than by remaining seated?—His whole manner is disrespectful.

3593. Have you by no means visited him in any kind of manner within the past 12 months?—I have gone into the room where he was with others, and he has never taken any notice of me, but sat down in a gruff, rude manner.

3594. (Dr. Greco.) Has the list of the books been submitted to you?—Yes, I have a catalogue of the books.

3595. And have you taken any steps to ensure from that catalogue such books as you disapproved of?—Yes; they are marked with a red mark, and those which are marked with this mark are not circulated amongst Catholic prisoners.

3596. And you have never found that afterwards they were given to the Catholic prisoners?—An instance might occur, but I do not think there was culpability on the part of the distributor.

3597. It was accidental?—It was accidental.

3598. Have you found it necessary to put a red mark in the catalogue to books that you had not originally disapproved of?—I was not conversant with the books when I came, and it was only in the course of time that I became acquainted with their contents.

3599. Are you aware of the chaplain or schoolmaster having circulated any books with the view of procuring any of the prisoners?—Thomas Bourke made a complaint to me once of the schoolmaster who selected a book for him with this remark, that it was admirably suited for him; and it appears that the contents of the book were very offensive to Catholics.

3600. Was that book marked with the red mark in the catalogue at the time?—I think not, but I afterwards prohibited its circulation.

3601. Then in point of fact there has been no attempt on the part of the Protestant chaplain or the schoolmaster to circulate amongst the prisoners under your spiritual care books which you have prohibited?—I do not think so.

3602. (Dr. Lyster.) Could you name the book that you refer to?—I could not name the book.

3603. Did you see the book yourself?—No, I did not see it, but I was satisfied with the representation that the prisoner made to me of its contents.

3604. Was that Thomas Bourke?—Thomas Bourke.

3605. You did not think it necessary to see the book and to examine it yourself?—I did not.

3606. Did you put the red mark to the name of the book on the representation of the prisoner?—Yes.

3607. Then you have great confidence in his discretion and judgment?—I have.

3608. (Mr. Brodribb.) I quite understand that you have suddenly abstained from inviting complaints from prisoners in respect to discipline or treatment. Have you, as a matter of fact, received any such complaints from any of the eight treason-felony prisoners who are here?—Their complaints to me about their treatment have been very frequent indeed.

3609. Without going into detail, would you state of what have they complained?—They have complained

By
J. O'Leary.
6 July 1870.

*Rev.
J. O'Leary.*
1 July 1870.

of the doctor, and I think they have sometimes complained of the other authorities as well—the governor, and individual warders.

6010. (*Chairman.*) I understood you to say that you prefer not being the channel of any representation of complaints to us?—Of course my evidence in this respect can be of no value, because it is only hearsay evidence. A case of complaint did not come under my personal observation.

6011. (*Mr. Brodick.*) Have you ever thought it necessary to make complaints on their behalf to the governor or to the medical officer?—No, I think not. I have sometimes been the medium of expressing their requests or desires to the governor; but I do not think that I have ever been the medium of complaints. They have always made any complaints they had to make direct to the authorities.

6012. (*Mr. De Vere.*) Has Richard Burke availed himself at all of your ministrations?—No, he has not.

6013. At any time during his imprisonment has he done so?—No, I think not, otherwise than by his standing mass.

6014. Have you visited him?—Yes, almost daily.

6015. Would you think it right to ask him to come to confession?—Well, I must say that if I were to act on my own opinion I should consider him to be unfit, on account of his state of mind, for the reception of the sacrament.

6016. Why, Mr. O'Leary?—Because I think, judg-

The witness withdrew.

Capt. Harris.

Captain HARRIS recalled.

6025. (*Chairman.*) Captain Harris, you wish to make a statement, I believe?—Yes. I regret to say that no answer has been received to my telegram. I therefore think it will be extremely difficult for me (if I go to London by the next train) to get back here before the Commission adjourns this evening.

6026. You think you could not get an answer for

The witness withdrew.

J. Murphy.

JOHN MURPHY, prisoner, recalled.

6028. (*Chairman.*) Murphy, we understand from the governor that you are desirous of seeing us again, for the purpose of correcting or adding to the evidence you gave when we last saw you?—Yes, sir.

6029. Is the fact so?—Yes, sir, 'tis a fact.

6030. What is it that you wish to say?—You asked me a question if I was punished the last time I refused to be stripped in the lodging house, and I told you, "No, I was not." Well, sir, I wasn't told to strip that day. It happened like this: I didn't refuse to strip; I wasn't asked to strip. There was about 12 of the men, the prisoners; it wasn't less—not labour, and I was the only political prisoner that was in that number. Well, we were ordered to go to this wash-house up here, the bath-house, to be stripped; so they all went in. Well, there is 12 apartments in the place, sir, partitioned off; so these two officers passed the word to strip—to go into strip. Well, 12 of them went in to the place to strip; they were stripped. I stepped over on this side with my back against the wall, like this (shows the position he assumed). Then another number came out, and they stripped in like manner; so I stood looking on. So when they were all stripped, one officer hollers out, "Well, have they been all stripped?" "Yes," the other says, "with the exception of one," mentioning me, sir. He says, "They have all stripped, with the exception of one." Well, the officer says to the other officer, "Order him to strip." "No," he says; "you order him." So neither of them ordered me to strip, consequently I didn't strip; but if I had been ordered that day I was determined to refuse, and let the consequence be what it may. But I wasn't asked to strip, sir; so I didn't refuse. I didn't disobey no orders, so I wasn't asked to strip; and that is the reason I wasn't punished. I omitted many things to tell you that day that I recollected since. You asked me about being stripped naked in the cells. When

ing from my own observations, and my own experience of the men, that he is an idiot.

6017. (*Dr. Lyons.*) That he is what?—That he is idiotic.

6018. Do you use that term as a special and definite one, as distinguished from any form of insanity?—Well, I think that his state of mind approaches more idly than any other form of insanity, as far as I can judge.

6019. We are asking you only with regard to your own opinion, formed upon your observation of him?—Yes; that is my opinion.

6020. And that is your deliberate opinion?—That is my deliberate opinion.

6021. (*Mr. De Vere.*) How long have you had an opportunity of judging of him?—I think he has been under my care for more than six months.

6022. Did you arrive at that conclusion at once when you saw him, or have you arrived at that conclusion gradually, after seeing him from time to time?—Ever since I have known him his conduct has been exceedingly irrational and idiotic.

6023. (*Dr. Lyons.*) Is his state progressively getting worse, or is he mending or stationary?—Well, I should think he is in a stationary state of mind.

6024. Have you tried him with all reasonable diligence in order to ascertain the state of his mind?—Yes, I have often conversed with him, and his answers to my questions were always very silly.

as to-day on the subject on which we have been speaking?—I do. I fear I could hardly get back in time.

6027. (*Dr. Lyons.*) If you went to London would it not be possible for you to telegraph to us?—That could be done.

first I was brought over, sir, there was Dr. O'Leary, Mr. Luby, and Mr. O'Donovan Rossa.

6031. (*Dr. Lyons.*) Who is Dr. O'Leary?—John O'Leary. He is in Portland at present. I believe he was educated for a doctor, but he isn't quite.

6032. I only wanted to know whom you meant?—Yes, sir.

6033. (*Mr. Brodick.*) When was that time that you are speaking of?—That was when we arrived, sir, in Pentonville—some time in '85. Will I continue on, sir?

6034. (*Chairman.*) Yes?—When we arrived here 'twas about 7 o'clock in the evening.

6035. In Pentonville?—In Pentonville, somewhere about 7 or 8 o'clock; so the six of us were brought in a long hall first. The governor was there, and several officers. He called our names and we answered. He asked some questions of us and we answered; so we were taken from there—a long hall or passage where the rules are—and these officers they told us to stand; so we stood, I might say, on this side. We all stood, six of us, close to each other; so we were told to strip naked there; and here was a number of officers looking at us the same time, besides the officer that was in command of us. Well, there we all had to strip naked, and that he made us go through these forms—stand on one leg, stoop down, turn round, stoop down and looked behind at us, and these officers looking at us. So there were six suits of clothes, and when we went through all this examination naked, we were told to put on these clothes; so we did, and we were put into cells, and in the cells, sir, we were stripped every week after that.

6036. (*Dr. Lyons.*) Stripped every week in your cells?—Yes, sir. Well, then, when I came here, sir, from Pentonville, we had very good clothing on us, prison clothes, three of us. There was Mr. Lynch; he died since (I suppose about six weeks after) we arrived in

Pentonville. The clothes we brought from Pentonville, we were stripped here, and they gave us old, patchy, worn-out, filthy things; worn-out old things, a disagreeable smell arising from them. That was in April 1865—old things; I don't know how many were then before. Well, sir, from that until last year I never got the first of any clothing since. This is the first (indicating his jacket), and this was new. I'll take it off to show you if you wish (takes off his jacket and displays it). That is the first I got since I came here. As fast as I would wear one, I would get another old thing. I have seen the same done to the others as well.

6037. Have you got a flannel jacket under your shirt at present?—Yes, sir. I have at present a shirt on.

6038. Show it, please?—(He shows it.) Well, sir, these are the first new turn-out I have got. They were all worn-out, nasty, patchy; and then Mr. Seasmell used to pick them out designedly for me.

6039. He picked them out designedly for you?—Yes, sir, I could see that.

6040. They do not think that?—Another thing I see him do. When Mr. Kichham came from Portland he had a good new jacket. When a person is carried from one gaol to another; he was in third class; the third class wears black, the second class yellow, and the first class blue. When a man is shifted from one prison to another, they have to take off the jacket; these body clothes are removed and others put on, and they get the same back again. I see Mr. Kichham's jacket; it was a good new jacket, and it was the winter. He was carried to the second class; his jacket was taken away by Mr. Seasmell, and he got another old worn-out thing, as thin as brown paper; and I seen his jacket on another man here from London for rubbery or something;—Percival; and he gave a thing to Mr. Kichham, that there was no—the worst in the prison 'twas. I got the same, all the old worn-out things by the other prisoners; but this is the first new one, and I suppose I'll finish it, for my time will be up about January. And this Mr. Lynch that died here, him and we were in hospital together. The last Sunday he ever came out, when he was severely able to walk, and we went to prayers to the chapel; so after coming out from the chapel we went to one of these yards of exercise, and he says to me, "I feel very weak; I must sit down, Tom." "Very well," says I, "sit down;" so he went over, sir, and sat down on the grass, and I sat down by him; and there was a man here of the name of Nugent; he was the doctor's assistant here; he used to assist Dr. Campbell; he left since; I believe he was discharged from the service and paid off. He comes and says, "Ten minutes be sitting down there." "The man," says I, "wasn't able to walk." He was scarcely able to talk. I says, "The man isn't able to stand, he is so weak." "Well," he says, "if he isn't able to stand or walk, let him go into hospital." So 'twas no use to refuse anything, for 'tis punished as disobedience or insolence. So I took him up and took his arm and carried him to hospital. So he never went out ever again until he went out dead.

6041. What was the name of the person who ordered you to get up?—Nugent.

6042. What was he?—He was a sort of assistant here, or a secretary to Dr. Campbell.

6043. (Choirman.) When was this occurrence?—Well, we came here, sir, in April. 'Twas somewhere in May or June; I forget now.

6044. In '65?—In '66, sir.

6045. Is there any other part of your evidence that you wish to correct or supplement?—That is the only mistake, sir. I recollect you asked me if I was

punished, and I told you I was not; but I told you I refused to be stripped that day. I did not refuse, sir. I was not told to strip, so consequently I didn't refuse; but, as I say, if I had been told to strip, I intended to refuse, because I was stripped so often, and there was nothing found with me. I never transgressed the rules of the prison since I have been here, sir; but once a man insulted me and I called him a coward; that was all the reports that was ever against me.

6046. So we understand?—Yes, sir.

6047. (Dr. Lyons.) Have you had all necessary opportunities of going to your religious service at all times since you have been here?—Religious service! Oh yes, sir; plenty opportunities for that.

6048. You have had plenty of opportunities?—Yes, sir. I don't find no fault in that none.

6049. Has the Catholic clergyman been at all times ready to supply you with all suitable ministrations?—Yes, sir, with any I wanted.

6050. Has he been ready to supply you with all suitable ministrations?—If I wanted anything from him, sir; but I never asked him. I never wanted anything from him.

6051. Have you been visited by the Catholic clergyman in this prison?—Yes, when he first came here, sir, he did; but I told him I wanted to have nothing to say to him.

6052. Has he visited you within the last 12 months?—No, sir, he has not; but he has visited the other men in the room where I was, but I never had nothing to say to him. When I was in the hospital he would call to the other men and talk to them, but I never had nothing to say to him.

6053. If you wanted him, had you full opportunity of seeing him?—Yes, sir; the only objection I have to them is, sir, that they don't practice what they preach, but I have nothing at all to say or do with them.

6054. You have no complaints whatever to make to the Commission with regard to religious ministrations in this or any other prison you have been in?—No, sir, I have not.

6055. Near whatever?—No, sir, only that I have been presented in Dublin on bread-and-water there.

6056. You were entered as a Roman Catholic in this prison?—Well, no, sir; well, yes. That was put down, because when I was outside, sir, I didn't go to no place.

6057. Do you attend the Catholic service here?—Yes, I go down every morning and every Sunday. Whenever the men would go of course I go with them, because a person is compelled to go somewhere, and wherever they go I go, because we are here in company.

6058. Is there any other point that you wish to put before the Commission in order that it may be required into?—You asked me if I would like to see any person. On consideration I'd like to see Mr. Butt; he is a lawyer; as the other men are to see him.

6059. (Choirman.) You must make application to the governor, or write to Mr. Butt yourself. You will have full facility for writing to Mr. Butt?—I was talking to Dr. Power here, and he said, I suppose 'twould do as well. If he comes here can I see him?

6060. No doubt if he comes here, and that you ask to see him, you can see him?—Yes, sir.

6061. (Dr. Lyons.) Do you understand that you can write to Mr. Butt, if you want to do so, yourself?—Yes, sir; if I want to do so I can write to him.

6062. Pens, ink, and paper will be supplied to you for the purpose?—Yes, sir.

6063. Do you understand that fully?—I do, sir, understand it.

The witness withdrew.

J. Mayhew.
6 July 1876.

Dr. Campbell.

6 July 1870.

Dr. CAMPBELL recalled.

6064. (Chairman.) Dr. Campbell, you have seen Richard Burke to-day, I believe?—Yes, my lord.

6065. What is his condition now? Is it the same as when the Commission saw him, or is it in any way altered?—I think he is improved, my lord.

6066. Do you consider him now in a condition in which he will be fit to be asked questions?—I see no objection to his coming before the Commission, but I do not think you will get much information from him. I seldom get an answer from him.

6067. When you say he is "improved," in what condition is he improved?—He is not walking about, much as usual, and taking his food.

6068. Does he give you longer or more sensible answers now than before?—No, much the same.

6069. The Commission will feel it their duty to examine him again before they can make up their minds as to his condition. Is he fit to be put through a more prolonged examination? Should you recommend it yourself, to-day or any future day?—I think it might be well to delay it a little longer. He has been improving some days back, and excitement, I imagine, might throw him back.

6070. Thank you.—I have prepared three cases as you have mentioned.

6071. These you hand in for the use of the Commission?—Yes, my lord.

6072. You are prepared now, Dr. Campbell, to hand in the medical cases?—The medical cases, my lord.

6073. Which is the first case that you hand in?—Edmund Power's.

6074. The next?—John Murphy.

6075. The next?—Bryan Dillon.

6076. The next?—William Roantree.

6077. The next?—Thomas Roantree and Denis D. Malesky. Ryan's case will be finished in a minute or two. It is not yet finished. I handed in Richard Burke's the other day. Those certificates relating to Power I was told to hand in.

6078. What are these certificates?—The medical certificate which accompanied him.

6079. From whom is it?—From myself. Copy of a letter to Dr. Gover. Copy of a letter from Woking relating to him.

6080. (Dr. Greenhous.) To whom?—To the chairman. Copy of my report to Mr. Gover on the transfer of Power from this prison to Millbank.

6081. (Chairman.) Do you hand in those?—Yes, my lord. These are all that I have been asked to furnish. (Fitness sends them in.)

6082. (Dr. Lyons.) Have you, Dr. Campbell, anything unusual to report with regard to the health of the treason-felony prisoners since the last day that we visited the prison, excepting the case of Richard Burke?—No, sir, nothing unusual.

6083. Are they in much the same state?—Much the same state. They made no complaint lately. They seem to be all busily engaged in writing.

6084. Have any of them been under medical treatment since?—Power, Dillon, and Malesky are in the hospital, and are visited by me twice a day.

6085. But nothing special has occurred in regard to their medical cases since?—No particular report to make.

The witness withdrew.

The Commission adjourned.

The Commission resumed after 6 o'clock, p.m.

Captain HARRIS recalled.

Capt. Harris.

6086. (Chairman.) Referring, Captain Harris, to what you said this morning, that you would not feel justified in placing the letters which you had received for certain treason-felony prisoners in their hands without first taking the opinion of superior authority, have you since morning obtained the opinion of superior authority on the matter?—I have, my lord.

6087. As a consequence of the opinion that you have so taken, what course will you adopt?—I am now prepared to hand to the prisoners the letters received as early as possible.

6088. And the telegram?—And likewise the telegram. I shall not be able to give the letters before 7 o'clock to-morrow morning. The authority for the telegram will also come about the same time, 7 to-morrow.

6089. You will place in the hands of the prisoners at the earliest period the communications to which you now refer?—I shall.

6090. Captain Harris, if you think it would be consistent with prison discipline we should wish to give them to-night?—Very well.

The witness withdrew.

The Commission adjourned.

Woking Prison, Thursday, 7th July 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BROWNE,
STEPHEN E. DE VEEB, ESQ.DR. LYONS,
DR. GREENHOW.

W. SPRINGER OLLIVANT, ESQ., Secretary.

Captain HARRIS recalled.

6091. (Chairman.) Captain Harris, do you produce three letters addressed to the Commission?—I do, my lord.

6092. From whom are they?—They were received under cover, and I did not ask who they were received from.

6093. Malesky, requesting to be medically examined by Doctors Lyons and Greenhow; Bryna Dillon the same; and Power. Have you received any communication from any of the prisoners?—None, my lord, with the exception of those three letters, which I have handed in under cover as I received them.

6094. (Dr. Lyons.) When were those letters given to you, Captain Harris?—This morning, at half-past 9 o'clock. I have supplied one or two documents this morning to the prisoners.

6095. What papers have you supplied to the prisoners this morning?—D. Malesky, copies of applications to see the governor and director at Pentonville; copies of applications to see the governor and director at Millbank.

6096. (Chairman.) With the results in each case I suppose?—Yes, my lord; and a special letter, which I delivered yesterday.

6097. (Dr. Lyons.) Malesky's special letter?—Yes, from his sister.

6098. Did you give him the telegram?—I did last night.

6099. The letter from his sister did not reach here until this morning?—It did not reach here until the morning post. Rountree has received copies of applications to see the governor at Pentonville, also one letter suppressed at that prison. I this morning received the answer to certain applications which were forwarded to the secretary of the Commission by Bryna Dillon. The substance of the answer is as follows:—"I am directed by the chairman to inform you that the Secretary of State has decided that such documents are not to be furnished to the prisoners; that they are to be prepared and handed to the Commissioners. You are therefore requested to carry out these instructions at once." Many have already been furnished them. We are preparing others for the Commission.

The witness withdrew.

THOMAS BOWKER, prisoner, recalled.

6113. (Chairman.) Thomas Bowker, the Commissioners are now re-assembled, and are ready to receive any statement from you that you may wish to make?—I am exactly in the position in which I was when I saw you last. You told me then that I would receive some documents that I found necessary for the preparation of my statement. I applied in writing for them three times, and I have not received them yet. I am exactly in the same way as I was when I saw you last.

6114. (Dr. Lyons.) Have you got no documents of any kind?—No, sir.

6115. (Chairman.) When did you apply for them?—First on the 24th June, I think.

6116. You were before us on the 29th June?—I made three written applications, however. The last application was made yesterday—no later than yesterday.

6117. You mentioned to us on the 29th June certain

6100. (Chairman.) That is, the papers asked for by Dillon?—Yes, comparatively recently—the 1st of July. The whole of these are in course of preparation for the Commissioners.

6101. Has Bowker had all the papers that he has asked for?—Not yet; he has asked for two statements that he made to the directors and one petition to the Secretary of State.

6102. I think you said that Bowker up to July the 6th had not applied for anything?—He had not received any document, my lord; that was his first application for a suppressed letter.

6103. That was yesterday?—Yesterday.

6104. Then he has asked also for statements to the Secretary of State and the directors, and the replies to them?—Yes.

6105. Those are in preparation?—They are. I have received one of the statements from the board of directors this morning.

6106. Have any friends come to advise the treason-felony prisoners lately?—None at all. No one has applied to see them, and I have had no communication from any of their friends.

6107. Alluding to the letters upon which you conferred with the board of directors yesterday, did you, in point of fact, deliver those letters to the prisoners last night?—I did, late last night.

6108. Late last night?—Yes; the first letter was delivered shortly after half-past 10.

6109. (Mr. De Vere.) Did you give them light to read them?—I did. They did not express the wish to have a light after they had received them, but Malesky and Dillon. I ordered the officer to have the gas turned on, that they might peruse them. The others said they did not care to read them a second time. I waited until they had read them.

6110. Did they read them in your presence?—Yes.

6111. Has Richard Burke at any time made application for documents?—Never.

6112. Have any means been taken to acquaint him formally with the power that he has of asking for documents?—I tried myself to impress upon his mind the necessity of coming forward and making any statement he had, but I never could get him to understand anything.

documents which you said you wished to have. That was the 29th of last month. Did you then apply for them?—I applied for them, sir, immediately after leaving you.

6118. To whom did you apply?—To the governor.

6119. You have not yet received them?—Not yet received them. I have heard nothing of them.

6120. (Mr. De Vere.) Can you state what those documents were?—Three statements, sir; two of them to the board of directors, and one to the Secretary of State. I can give you the dates of the documents if you require them.

6121. (Dr. Lyons.) Two statements to the directors, and one to the Secretary of State?—Yes.

6122. What were the dates of them, please?—The 21st November 1869, to the directors, the 21st April 1869, to the directors also, and the 10th August 1869, to the Secretary of State. Those are the three documents that I have made application for, sir.

A a

Capt. Harris.

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T. Bourke.
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6125. (*Mr. De Vere.*) When were the applications for such of those documents made?—My first application was on the 24th of last month, sir.

6126. For which of the documents did you then apply?—I applied for the three of them on the 24th June.

Capt. Harris.

Captain HARRIS recalled, and confronted with THOMAS BOURKE.

6125. (*Chairman.*) Now, BOURKE, state when you first made application to the governor for any documents or papers that you deemed necessary for the preparation of your statement to the Commission?—(*Prisoner.*) The 24th June 1870.

6126. What did you apply for then?—(*Prisoner.*) These statements.

6127. Was that after you had the notice read to you by the secretary of our Commission?—(*Prisoner.*) Oh, certainly. It was after I had seen the secretary.

6128. State again, if you please, what the three documents were?—(*Prisoner.*) One to the board of directors, dated 21st November 1869, one of the 21st April 1869, to the directors, and one of the 10th August 1869, to the Secretary of State.

6129. Did you apply by word of mouth?—(*Prisoner.*) Not at all, sir.

6130. Was that application in writing?—(*Prisoner.*) In writing.

6131. Did you receive that application, Captain Harris?—(*Capt. Harris.*) These were the three referred to this morning, my lord. They were sanctioned this morning. These were the three I alluded to.

6132. In point of fact, you have had no communication from the directors on the subject of those three letters until this morning?—(*Capt. Harris.*) Until this morning. The application was made in writing, to the best of my recollection; but it was not sanctioned, or at least I did not get it, until this morning.

6133. When was the second time that you made application to be supplied with those documents?—(*Prisoner.*) I really cannot remember, sir, but I can find it among these papers of mine. My third application was made yesterday.

6134. What was your application for yesterday?—(*Prisoner.*) For those statements, sir, and also for a letter that was suppressed.

6135. A letter dated April '69?—(*Prisoner.*) Dated April '69. That letter I received yesterday, after making that application for it.

6136. You had made no application for it before?—(*Prisoner.*) Not at all.

6137. (*Dr. Lyons.*) Did you get that letter that you asked for?—(*Prisoner.*) I got the letter, sir.

6138. And what you are still without is your three statements?—(*Prisoner.*) The three statements. This is by no means an essential matter, although it may be necessary. The statements are peculiarly necessary.

6139. Can you from your notes say when the second application for those three documents was made? You have stated that the first was on the 24th June, and that the last was yesterday. When was the second?—(*Prisoner.*) The second was on the 30th June. With your permission, may I read that application?

6140. (*Chairman.*) You may?—(*Prisoner.*) "On the 30th instant I made application in writing for 'statements written by me to the Secretary of State and to the board of directors, which statements I have not yet received. I again make application for those documents, as necessary to aid me in my writing a statement for the Commission. These dates are as follows.' Here follows the dates. 'I should prefer the originals to copies.' This is a copy of my application, made by me on the 30th June."

6141. I understood you to say, Captain Harris, that shortly after the receipt of the first application, you communicated with the directors on the subject?—(*Capt. Harris.*) I did, my lord.

6142. And you have not received an answer until

this morning?—(*Capt. Harris.*) No; I received no positive answer until this morning. The matter, I believe, has been under consideration all that time.

6143. Then do I understand you to say that you deem it essential that before making any statement you shall have an opportunity of seeing the documents for which you have applied?—(*Prisoner.*) Oh, certainly; most essential.

6144. (*Dr. Greenwell.*) Are those documents essential to your making allegations with regard to your treatment in prison?—(*Prisoner.*) I so consider them.

6145. (*Chairman.*) Captain Harris, you have received this morning a letter from the directors, have you not?—(*Capt. Harris.*) I have, my lord.

6146. That letter enclosed one of the three documents for which BOURKE asked?—(*Capt. Harris.*) It does.

6147. It states with regard to another that they have not as yet been able to find it?—(*Capt. Harris.*) It does.

6148. And with regard to the third, that it is in the office of the Secretary of State?—(*Capt. Harris.*) Exactly.

6149. You are prepared to reply to that, giving then certain indications by which they may possibly be able to find the second; and you also informed them the date of the third document to the Secretary of State?—(*Capt. Harris.*) I have.

6150. You are not in a position to tell us when the documents No. 2 and 3 can be received?—(*Capt. Harris.*) I can hardly say that.

6151. (*Dr. Lyons.*) How soon after you got those documents, BOURKE, would you be prepared to make your statement to the Commission?—(*Prisoner.*) That I could scarcely answer till I got them.

6152. (*Chairman.*) You know what they are?—(*Prisoner.*) Yes, I have a knowledge of what the documents are.

6153. (*Dr. Lyons.*) Within what reasonable time could you make your statement after getting them?—(*Prisoner.*) I think the fact of those documents would not detain me, possibly, more than two or three days.

6154. (*Chairman.*) Under the circumstance that those documents have not yet been received, the Commission have decided that they will postpone your examination until a day that we shall subsequently fix.

6155. (*Mr. De Vere.*) Captain Harris, are those documents of a nature such that when you receive them you will be able to hand them over to the prisoner for the purpose of his writing his statement?—(*Capt. Harris.*) Certainly.

6156. (*Mr. De Vere.*) They are?—(*Capt. Harris.*) They are.

The prisoner retired, and Captain HARRIS'S examination was resumed.

6157. (*Chairman.*) DILLON has not got all his documents, Captain Harris?—No.

6158. Mulesky has not got all?—No.

6159. (*Mr. Broadrick.*) Has DILLON not got all the documents which he is to receive?—No, I think there are one or two which are not yet received. He asked for some from some other prisoners.

6160. Mulesky has made applications which have not yet been met?—Some of them.

6161. (*Chairman.*) BOURKE has made applications for copies of applications and a suppressed letter. The suppressed letter he has had, but the copies of applications he has not had?—Yes, that is so.

The witness retired.

BRYAN DILLON, prisoner, recalled.

6162. (Chairman.) Bryan Dillon, are you now prepared to make a statement to us?—I was furnished with a copy of a letter last night from Mr. Butt, and it was only just now that I was furnished with some of the documents necessary for the preparation of my statement, and I should wish some time to consider it before I could give an answer on the subject. Mr. Butt's letter is a very sensible letter. I should wish time to consider the matter. I have a statement ready.

6163. Then do you wish to state to us decidedly that you believe you cannot make your statement in a way satisfactory to yourself until you have time to consider the letter you have received from Mr. Butt, and also are in possession of documents for which you ask?—Yes.

6164. When you have had time to consider the letter to Mr. Butt, and have received the documents that you have asked for, so far as they can properly be given to you, is it your intention and shall you be prepared to make a statement to us?—Well, I don't know what decision I may come to, you know. I ask for time to consider it in order to come to a decision.

6165. A decision on what subject?—On the advisability of giving my evidence.

6166. If we fix another period for your examination it must be with the distinct understanding, of which I now warn you, that no further time will afterwards be allowed. If you do not desire to make any statement to us, your refusal to do so will be considered final?—Very well, sir.

6167. If you intend to make a statement to us, we shall then go into it, and no further delay can be allowed?—I was anxious from the beginning, you know, to give you a statement. When I was removed, though unable to get out of bed at the time, I wrote on my knees, and I wrote 80 pages of it before you came here of my statement. I have not done anything since. That showed my anxiety to go into the matter, even on the basis of the original conditions. I have written a statement on the basis of the original conditions, and I am prepared to show, even on those conditions, that I have received exceptional treatment in British convict prisons.

6168. Your examination, then, will be postponed?—But I understand, my lord, that you have ordered that I shall not get those papers.

6169. We have made no order on the subject. Certain papers will be supplied to you. Any papers that the Government think it desirable you should have will be given to you?—I furnished the Secretary of State with a requisition embodying the several requisitions I had first made from the date of the investigation; of your coming here. On that day, the 18th of June last, I furnished some requisitions, but I embodied them all in this requisition, and the governor says that the Chairman has ordered that you shall not be supplied with those, but that the Commissioners themselves will have them.

6170. (Dr. Ligonier.) Read that document?—It is directed to the secretary. "Sir,—I find that it is absolutely necessary for the preparation of my statement that I should be furnished as soon as possible with the following documents. I have already requested to be furnished with some of these documents in my two former requisitions, the first of which was written to the governor as far back as the 16th June ultimo, the day the appointment of the Commission was notified to me. Up to this date I have not received any papers or copies of the documents mentioned in these requisitions, which I am told by the governor have been for some time in the hands of the Commissioners." I then say, "Pentonsville. I shall require all case sheets or other papers containing the medical history of my illness at Pentonsville while under medical treatment in my cell there."

6171. Is this an enumeration of the things that you have asked for in your letter to the secretary of this Commission?—Oh, yes; and you know the other pri-

soners have been supplied, and in fact I was supplied with some of these myself when this order of the Chairman was notified to me. "All reports and certificates in reference to my health forwarded by the medical officers of Pentonsville and Woking prisons to the Secretary of State, board of directors, and governors of prisons, and the remarks made by the medical officer at Pentonsville to the medical officer at Woking on my removal to this prison; rules of the Home Office relative to the release of invalid convicts." Then, "Woking. The dates of my applications for medical relief; the number of days following such applications I was supplied with medicine at the surgery and at my cell from April 1866 to this date." Now, one would consider that a much less important application than the date of my admission into the hospital, and what I was treated for. I have got the latter, and they have refused to give me the former. They have refused that, "and the dates of my admission to hospital, the name of my admission, and the dates of my discharge therefrom." They have given what I consider a doctored report of that.

6172. A what?—Well, I don't know what they call it—a case sheet; "and all my suppressed letters." I have got the last of these this moment, as I was coming in, from Mr. Pelt, the clerk here.

6173. (Chairman.) You have received it?—I have just got it here. "The memorial to the Secretary of State written in the autumn of '68, and the certificate answer or report of the medical officer thereon, and the reply of the Secretary of State thereto." A part of that medical case sheet was that I recovered from the effects of that fall, while I am not able to walk. I respectfully submit that I have not recovered from the effects of the fall. I have got nothing about Pentonsville. "All dates of my applications to me." Dr. Campbell, the notes of the applications, and his replies thereto entered in the application book." They say the books are lost.

6174. (Dr. Ligonier.) What books do they say are lost?—The application books—certain application books here as well as '68—whereas I have got in other books copies of my applications of that date. "All dates of my applications to the visiting directors from 1866," and the dates of Dr. Campbell and other dates. They say they have sent away the books and destroyed them.

6175. (Chairman.) Who told you that?—The clerk, sir.

6176. The clerk?—The clerk says they haven't them; that there is some order, he says, to send up small books to the head officer or something to that effect, for the purpose of being destroyed.

6177. (Dr. Ligonier.) What clerk?—The clerk of this prison.

6178. What is his name?—His name is Bell.

6179. (Dr. Greenhouse.) Is that all you require?—No, sir; "dates of applications to the governor, and the nature of the applications, including the dates and particulars of inquiries respecting letters; his replies thereto; the replies of the clerks and other officials thereto." I have got this partly, commencing on the 15th December 1867, but cutting from April '66 to that date. These, they say, are also amongst the missing books which they cannot put their hands on. "A copy of the report of Messrs. Pollock and Knox."

6180. Just tell us what you have got; begin at the first.

Captain HARRIS recalled, and confronted with the prisoner BRYAN DILLON.

6181. (Chairman.) Dillon, will you hand in a statement of what you want to get?—This is a rough draft, sir. I fear you will not be able to make it out. (Hands to the document.)

6182. Does it begin, "I find that it is necessary"?—(Prisoner.) Yes, sir.

6183. Captain Harris, have you received back from

S. Dillon
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the directors the original paper handed you by Bryon Dillon, specifying a statement of documents with which he wished to be supplied?—(Capt. Harris.) I have, my lord, received it this morning.

6184. That is a duplicate of this, I suppose?—(Prisoner.) Yes. (The document he had handed in is returned to the prisoner.)

6185. Does it appear from anything you have received from the Secretary of State, or from the directors at this time that they returned that statement of documents, what are to be granted to Dillon and what are not granted?—(Capt. Harris.) Yes, that was laid down, my lord, by a letter.

6186. Then are you prepared now to state to us, upon going through it, what, under the instructions that you have received from the control authority, will be withheld from Dillon and what will be given to him?—(Capt. Harris.) Yes, I am prepared to do that. (Capt. Harris withdraws.)—(Prisoner.) My lord, may I ask is there any objection to have my friends come in to arrange the preliminaries altogether? In my opinion it would shorten matters very much.

6187. No?—Very well.

6188. (Dr. Ligon.) What friends do you mean?—I mean the other friends in the hospital who are to come here. There is a very important case bearing on our treatment in prison, the case of John Lynch, who went to Pentonville in January with me, and who died here in the following June.

6189. In this prison?—In this prison. I was placed by five days before he died, partly on Dr. Campbell's account—I was then sick—and partly for the purpose of looking after him. I know him about 20 years. He came to Pentonville Prison pretty well in health apparently. He came down here in April in the last stage of consumption, and the papers respecting him—I think I am prepared to enter into what I know about his case. It crops up and is identified with my own. I gave evidence at the inquest on his remains here. (Capt. Harris returns.)

6190. (Chairman.) Captain Harris, do you now produce to the Commission, as returned to you from the authorities in London, the paper which contained the application made by Bryon Dillon for documents, with the decision of the authorities as to each?—(Capt. Harris.) I do, my lord.

6191. Will you read those *articles*, please?—(Capt. Harris.) The first application is "all case sheets or other papers containing the medical history of my illness at Pentonville while under medical treatment" in my cell there."

6192. What is the decision on that?—(Capt. Harris.) With regard to that, he will receive such medical notes as have been furnished to other prisoners; extracts from such notes, such as have been furnished to other prisoners.

6193. That is the decision of the directors?—(Capt. Harris.) Yes.

6194. (Dr. Greenhow.) Has he received them?—(Capt. Harris.) No, he will receive them; the documents only came this morning.

6195. (Chairman.) What is No. 2?—(Capt. Harris.) "All reports and certificates in reference to my health, forwarded by the medical officers of Pentonville and Woking prisons to the Secretary of State, board of directors, and governors of prisons, and the remarks made by the medical officer in Pentonville to the medical officer in Woking on my removal to this prison."

6196. What is the decision with regard to that?—(Capt. Harris.) None of those can be furnished to him, but they will be laid before the Commission.

6197. (Dr. Ligon.) They will be laid before the Commission. Is that what you say?—(Capt. Harris.) Yes.

6198. (Mr. De Vere.) Have they been laid before the Commission?—(Capt. Harris.) They have not.

6199. (Dr. Ligon.) Are they here?—(Capt. Harris.) They are not.

6200. (Chairman.) What is No. 3?—(Capt. Harris.) "Rules of the House Office relative to the release of

"invalid convicts." There is a rule in the standing orders of the convict service, which will be laid before the Commission.

6201. (Dr. Greenhow.) That is declined to be given the prisoner?—(Capt. Harris.) Declined to the prisoner.

6202. (Dr. Ligon.) There is such a rule, and it will be laid before the Commission?—(Capt. Harris.) Yes.

6203. (Chairman.) You can easily have put on paper what he will get?—(Capt. Harris.) Yes, my lord.

6204. What is the next?—(Capt. Harris.) The next is—"The dates of my applications for medical relief, the number of days following such application; I was supplied with medicine in the surgery in Woking prison, and at my cell, from April 1868 to this date." These will be furnished, they are now ready.

6205. (Dr. Ligon.) He has not got these yet?—(Capt. Harris.) He has not.—(Prisoner.) I was told I could not get them.

6206. Who told you that you would not get them?—(Prisoner.) The clerk came in and said these were things, in fact these were the papers I could not get.

6207. (Chairman.) But you understand now that you will get them?—(Prisoner.) Yes.

6208. (Mr. Broadrick.) Is it possible to furnish them from the first, from 1868? Do you know that to be possible?—(Capt. Harris.) I believe it has been done.

6209. (Prisoner.) This is not the application which they say they cannot furnish from the first: the dates of my applications for medical relief; it is the dates of my applications to see Dr. Campbell in this office, and the entries he makes in the book, which is a distinct thing from the book in the surgery.

6210. (Chairman.) Do you read, Captain Harris, from the form of application made by the prisoner?—(Capt. Harris.) Yes.—(Prisoner.) I have got the notes of the hospital treatment.

6211. Go on, please?—(Capt. Harris.) "Dates of admission into the hospital at Woking, the case of admission, and the dates of my discharge therefrom."

6212. (Prisoner.) I have received this.

6213. Sixth?—(Capt. Harris.) "All my suppressed letters, and all letters suppressed sent to me by my friends." Those have been issued.

6214. (Prisoner.) I have got that now.

6215. What is the next?—(Capt. Harris.) "Memorial to the Secretary of State, written in August '69, and the certificate or report of the medical officer accompanying the same." That will be furnished for the information of the Commission, but not given to the prisoner.

6216. The next?—(Capt. Harris.) "Reply in full from the Secretary of State thereto." That will also be given for the information of the Commission, but not to the prisoner.

6217. Next?—(Capt. Harris.) "All dates of my applications to see Dr. Campbell, the notes of the applications and his replies thereto entered in Dr. Campbell's application book."

6218. What will be the one with respect to those?—(Capt. Harris.) Those are not forthcoming.

6219. (Dr. Ligon.) Are they to be given?—(Capt. Harris.) No; they are not to be found. They are entered in small books which are destroyed from time to time—sent back to the Stationary Office.

6220. Then they are not forthcoming?—(Capt. Harris.) They are not forthcoming.

6221. (Chairman.) The next?—(Capt. Harris.) "Date of applications to see the director, and date of refusal of Captain Bramley to let me see him." That will be furnished to him.

6222. (Dr. Ligon.) But he has not got it?—(Capt. Harris.) He has not. "Dates of applications to the governor and nature of the applications, including the dates and other particulars of inquiries respecting letters, his replies thereto, and the replies of the clerks and other officials thereto. In order to facilitate the furnishing of these letters, I limit the time of the inquiry to the months of March, April, and May, '64."

6220. What is to be done with these?—(Capt. Harris.) These can be finished, so far as I am aware.—(Prisoner.) I beg your pardon. The dates of the applications to Captain Bessley commenced the 15th September 1867, and there is no account of dates from '66 up to that time.

6221. (Chairman.) But you asked only for those in '68?—(Prisoner.) I asked for letters in '68. You will see by the construction of the sentence that it is quite clear.—(Capt. Harris.) It is so. I see it now.

6222. Is it consistent with the rules of the directors that those shall be supplied?—(Capt. Harris.) I think so: quite.—(Prisoner.) I have received the applications from December the 15th '67, down to the

Captain Harris here withdrew.

BRYAN DILLON's examination resumed.

6223. (Chairman.) Well, Sir, the Commission are of opinion that, as you have not had those documents, it is desirable and right that we should postpone your making your statement to a day of which you will receive due notice. In the meanwhile, such of those documents as it is considered right to supply to you shall be placed in your hands; but it must be with this distinct understanding, that we cannot allow any further postponement in consequence of any further application for documents, and that no document will be given which is not applied for by this evening?—By this evening?

6227. And we also wish you to understand, that at our next meeting, when you see you before us next time, it will be the last occasion. We shall not then permit any further postponement. We shall then be prepared to hear your statement; or if, on consideration, you decline to make any statement you refused will be considered that?—In the interim, my lord, will you recollect what I stated about John Lynch; because it may be necessary that any papers or medical cases respecting him should be forthcoming. If you wish I shall send in a requisition. I was put up by the authorities to witness his last moments, and I gave evidence before the coroner to that effect.

6228. (Dr. Lyons.) Does anything that you have to say with regard to his case bear upon your own?—Of course it does.

6229. (Chairman.) How?—Inasmuch as we were subjected to similar treatment.

6230. You can state to us anything that happened to yourself, or anything that you experienced yourself?—He was, in my opinion, done to death, and it will not do to hush it up.

The prisoner withdrew, and after the Commission had deliberated, was again admitted.

6231. (Chairman.) Sir, the Commissioners have decided that under the circumstances of the case they think it better to postpone your examination until you have had an opportunity of seeing such of the documents you have asked for, which will be supplied to you. Care will be taken that no unnecessary delay should occur in supplying them to you. The Commission further think it very important, as you seem to have a written statement there, that they should have an opportunity of reading your statement before they come here to examine you personally. They recognise the propriety of your having those documents a few days before your statement is finally completed; but they think that your statement may be completed by Friday the 15th, that is, to-morrow week; and we wish therefore that you would send that statement to the secretary in London, give it to the governor in short, and the governor will forward it to London. Give it in an envelope. You can seal it up yourself. It will be forwarded to London in order that we may have an opportunity of reading it before we come here?—Up to what date will you give me?

The witness withdrew.

present, but I want the applications from April '66 up to that date.—(Capt. Harris.) We will go so far back: "Copy of report of Messrs. Pollock and Knapp."

6225. That, I think, will not be supplied.—(Capt. Harris.) That will not be supplied. That is all.

6224. Would you be kind enough, Captain Harris, to have made out a copy of the documents asked for by him, writing against each "will" or "will not be supplied"?—(Capt. Harris.) I will, my lord.

6226. And let us also have a copy, which you can put in as evidence?—(Capt. Harris.) Yes, my lord.

Capt. Harris.

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B DILLON.

6232. (Dr. Greenwood.) Until to-morrow week.—To prepare my statement?

6233. (Chairman.) If you mean to make a statement in writing, you must give your written statement to the governor, in an envelope, so that it may be forwarded to us on Friday; that is, to-morrow week?—What I intended to do was, to read the statement, and comment on it as I went along.

6234. That you can do; but we think it well that we should have an opportunity of reading it before you come up for examination.

6235. (Dr. Lyons.) I think you said that you have 50 pages written?—Yes, 50 pages.

6236. You are prepared to read that now?—I am prepared that now.

6237. (Chairman.) You are distinctly to understand that when we come here to examine you and receive your oral statement, that you will be expected to say freely, whether you will or will not make a statement?—Oh; supposing that I arrive at that conclusion before the time you limit for the preparation of the statement, I presume then I can let you know.

6238. Then you had better write in the same way, in an envelope, through the governor to the secretary, that you have made up your mind not to make a statement. That you can do any time you please. With regard to your application in reference to Lynch's case, the Commissioners desire to inform you, that our duty is to inquire into the cases of certain prisoners in a list which accompanies a letter of instructions, and into whose cases we are to go fully. Lynch's case is not one of those. At the same time, it will be open to you, in making any statement or allegation in reference to your own case, to illustrate that case, if you think it can be so illustrated, by any statement with regard to Lynch's case, so far as it has any bearing on your own?—Well, I thought that I was allowed to speak on matters that will illustrate the system. I think that in your notice to the public you said that you will receive evidence to illustrate the system.

6239. So far as it illustrates your own case or the general question; but we shall not be prepared to go, specially, into Lynch's case?—The authorities put me up to testify on them behind. Five days before Lynch died they treated him very well, and they produced me at the request to prove that during my stay in the hospital, as far as I was capable of judging, he was treated well. Of course I had to state that, but I also stated to the coroner what Lynch had told me and what I knew.

6240. We cannot go into Lynch's case now. I told you the extent to which Lynch's case may be introduced into your statement, which is, so far as it is an illustration, that the treatment experienced by yourself resembled his, and that Lynch's may be said to affect you?—It was I know, for the doctor did not examine him until he fell into consumption, and then he pronounced him to be in consumption.

Capt Harris.

Captain Harris recalled.

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6241. (Chairman.) Do you wish, Captain Harris, to make a further statement to the Commission in reference to Bencke's case?—Yes, I do, my lord. I find, on referring to a letter received, that the statements to the Secretary of State and the board of directors will be laid on the table for the information of the Commission, but that they will not be placed in the hands of the prisoners.

6242. That is, that he will get neither number 2 nor number 3 of those that he asked for?—No.

6243. (Mr. De Vere.) There are two: one additional statement to the directors, and one to the Secretary of State?—It appears to me that all three are contained in the refusal.

6244. (Chairman.) What was number 1 that you said might be given to him?—That was on the table this morning. It was intended for the Commission; but I did not mean to put it in the hands of the Commission until I had all three.

6245. It was intended for him?—No, it was not; that was a mistake of mine.

6246. (Dr. Lyster.) Did you identify that—once as to which of the three documents it was. There is no date on it?—It is dated in the first column with the words, "April '69," I think. I took a note that it was dated.

6247. That would not correspond with any of the three dates that he gave us?—"April" I think he said, or "about April."

6248. (Dr. Greenhow.) Are such documents to be given to the other prisoners?—No, they are not; but they will be laid before the Commission whenever they have been mentioned.

6249. (Dr. Lyster.) You have not got those three documents yet?—No, I have not. (He withdraws, and returns with a letter.)

6250. (Chairman.) Will you read the letter, Captain Harris, that you received this morning?—This has reference particularly to Dillon's case, but also to others. "Sir,—The enclosed application for the documents named, having been received from the Commissioners for enquiring into the treatment of treason-felony convicts from Bryan Dillon, I am directed by the chairman to inform you that the Secretary of State has decided that such documents are not to be furnished to these prisoners, but that they are to be prepared and handed to the Commissioners."

6251. They do not name the documents?—They do not; but in a previous circular there was a conditional grant made of the petitions to the Secretary of State, but that the replies and remarks on them were in no case to be given.

6252. Will you read it?—"Sir,—I am directed by the chairman to request that, in case applications are made to you in reference to the Commission of inquiry into the treatment of treason-felony convicts in English prisons by the prisoners concerned to be furnished with their petitions to the Secretary of State or to the directors, or their suppressed letters, they may be furnished to them, but not in any case

"any reports made to superior authority on these cases."

6253. (Mr. Broadbent.) Bryan Dillon's application has reference to a number of documents, some of which came under the first and some under the second head?—So they would; but the Secretary of State has decided that.

6254. Does the second letter mention the names of others besides Bryan Dillon?—It does not.

6255. (Dr. Greenhow.) Let us get it in order.—The first is dated 20 July; "Sir,—I am directed by the chairman to request that, in case applications are made to you in reference to the Commission of inquiry into the treatment of treason-felony convicts in English prisons by the prisoners concerned to be furnished with their petitions to the Secretary of State or to the directors, or their suppressed letters, they may be furnished to them, but not in any case any reports made to superior authority on these cases. The letter to be furnished only to the Commissioners. The convicts may also on application be furnished with extracts from the directors and governors' interview books, giving the applications they made and the replies they received. That prisoners who apply may also be furnished by the medical officer with a statement showing the dates of admission to and discharge from hospital, and each statement of his treatment as would be made in ordinary professional practice to a patient. Medical officers in Millbank, Portland, and Woking prisons are also requested to furnish, for the use of the Commissioners, copies or originals of all certificates in reference to the health of treason-felony convict Edward Power, to the governor, directors, or Secretary of State; also reports made by the medical officers to each other on the convict's removal, including that from Monday to Millbank Prison; medical officers, where treason-felony prisoners are now confined, are requested to furnish, for the use of the Commissioners, notes of the case of each prisoner kept by them. Careful registers should be kept of all documents the governor parts with. The friends or advisors of prisoners permitted to assist them in preparing their statements for the Commissioners are to be allowed access of a reasonable hour, and for a reasonable time, and under proper restrictions, until the morning of the day which the Commissioners appoint for the examination of the prisoners in each prison, and not afterwards, unless in any particular case the Commissioners may wish otherwise." Then it gives the date. This date at present determined is for Woking the 26th July, and for Chatham the 18th July.

6256. (Chairman.) In reference to the applications now or recently made by the prisoner Bencke for certain documents, I understand you to say that you think the latter of these two letters so far controls the expression of the first as to lead you to think that you would be acting contrary to the wishes of the directors in supplying these documents to the prisoner?—That is so, my lord.

The witness withdrew.

J. D. Mulcahy.

Dennis Dowling Mulcahy, prisoner, recalled.

6257. (Chairman.) Mulcahy, are you prepared now to place a statement in writing before us, or to make any statement to us?—Well, my lord, I only received the documents—the greater part of them, in fact, I received within the last 24 hours and less. I have not had, in fact, time to do more than read them through. I lost no time in applying for those documents, as you may see by my various applications to the governor, which I will read for you, if you have no objection, to show the delays which occurred in getting those documents.

6258. No. It is not necessary to go into that.—Well, my lord, with regard to the documents that I have been furnished with, they are not those that I

exactly applied for. I refer particularly to what are called medical notes.

6259. Have you a list of these that you applied for?—I can tell you those that I received. I received an abstract of the record of prison offences, which is not at all satisfactory, inasmuch as I find have a report under the date of January the 26th, 1870, "improper language at the pump." I cannot reply to such a thing as that, because in the report book that I mean that report occupies more than half a page, and "improper language" might even include bawdy language. It does not specify anything. That is not the meaning of the report. I was not reported simply for improper language. I applied to Captain Harris

about this, my lord, and his reply was that it was sufficient. I consider it is not sufficient, that it is not at all sufficient.

6260. What other documents did you receive?—I received this record of prison offences, interviews with the governor of this prison, and applications to the visiting director of this prison; copies of applications to the governor, with replies thereto at Woking Prison; copies of applications to the visiting director, with replies thereto, at Woking Prison; extracts from the applications of prisoners to see the director at Millbank Prison, applications to see the governor at Millbank Prison, applications to see the governor at Pentonville Prison from suppressed letters, from letters suppressed in the prison.

6261. Letters of your own?—Letters of my own; yes, my lord.

6262. (Dr. Lyons.) These are the letters that were suppressed in this prison?—Yes, Dr. Lyons: applications to see the governor at Portland, applications to see the visiting director at Portland.

6263. Are those separate documents?—These are separate documents, Dr. Lyons, belonging to Portland Prison, and this is what is called an abstract of the case sheets in Portland; this one from Portland, what is called the medical case sheet, of the extra treatment that I received while I was there. Then there is an abstract of another case sheet which Dr. Gover makes, but which does not at all contain what I require.

6264. Is this a separate one?—This is a separate one from Millbank. What Dr. Blaker, the medical officer at Portland, gives is satisfactory and enough, inasmuch as he gives day and date for it, and describes the diseases for which he prescribed. But Dr. Gover's is merely a note written; it is not at all an abstract from any book, for he writes here that my "health is tolerably good." I do not remember his saying anything of the kind, and I was not examined by Dr. Gover on the 1st of November; I was simply called into his office, and he said he would see me another time. He made a stethoscopic examination, and he makes no allusion at all to it here. I want the report of his examination to the prison officers, for it was a report of punishment; and on the occasion he said that my left lung was weak and that I had considerable abdominal heaving, and yet he makes no allusion at all to that here.

6265. What was the date of that?—That was in the last days of December '66, or the beginning of January '67.

6266. Dr. Gover examined you?—Dr. Gover examined me stethoscopically.

6267. What did he say to you?—He said that my left lung was a little weak and that I had considerable abdominal heaving.

6268. Did he say that to you?—Yes, he said that to me when he was making the examination. I do not find any allusion at all to that examination here. I find no allusion either to the treatment. That I cannot understand. I complained to him that I could not take the grub after I was sent from Ireland to Millbank. I had a very rough voyage across and I was very sick, and I complained to him. For 10 days I could not take the supper. He makes no allusion to that. I was suffering from neuritis there, and there is no allusion to that. This is not an abstract of my medical case-sheet. There is a document here he calls "Medical history while in prison." It is not a medical history; it is a simple extract from the infirmary book, I think.

6269. What is it?—It is headed "Medical history while at Dartmoor," but it gives no history, but merely the symptoms and treatment. It simply contains the day and the month that I was received and discharged. It states in one place, on allusion to the heat, diarrhoea, and hæmorrhoids; and the observation in the paragraph for observations is, "The prisoner was removed to Woking on medical grounds." I take it that that is not, and cannot be called, a medical history or a medical case-sheet. I applied for the medical docu-

ments that accompanied me from one prison to another. He has a paragraph to enter the disease in, but there is no disease marked in any of these charts. It is not sufficient to say merely that I was removed on medical grounds from Dartmoor. I want to know what the grounds were upon which I was removed. I fear that of importance. This is not an abstract of the medical report that accompanied me when I came to Woking. This is not an abstract from the case-sheet. This is a prepared abstract, because it is stated in this abstract that on the 8th June—

6270. Is it called "abstract" or "extract," or what is it called?—It is called "infirmary patient's case." There is no such sheet as this used in the infirmary. I say that this is not a correct abstract, because the days are not correct. There is a statement here on the 8th June, "Made a careful examination of chest; no symptoms of phthisis." Dr. Wilson made no such examination on that day. I do not mean to give this as evidence at present, but I wish to state that these documents are not correct abstracts, and that they are not abstracts at all of the treatment so far.

6271. (Chairman.) Do I understand you to apply for a postponement of your examination on the ground that you have not had time to consider these documents?—I have not got the documents at all, my lord. I applied for a copy of a statement that I made to the directors in September '67, and I have not received it.

6272. A statement made by you?—Yes; a copy of a memorial to the Secretary of State in November '68; a copy of a memorial to the Secretary of State in August '69; statement to the board of directors. I applied for them all before.

6273. You have not received copies of memorials to the Secretary of State?—I will commence it, my lord. Perhaps it would facilitate matters if I commenced these notes.

6274. What is it that you have not received?—With your lordship's permission I will read these notes. On the 27th ultimo I understood the Commissioners to say that they would let me have a copy of the conditions, setting forth the power of the Commission. I have not received that amended copy of the conditions, which I think is most essential altogether.

6275. There is a printed paper stating what we said you should have?—I have not received it, my lord.

6276. You have not received it (*His lordship hands the prisoner a copy*)?—No, I have not. (*Prisoner peruses it*) No, I have not received any copy of this document in any shape. The only document that I received a copy of from the Commissioners is one headed, "3131, Denis Dwyer Mulcahy; subjects upon which the Commissioners appointed to inquire into the treatment of treason-felony convicts will permit such prisoners to address them." That was given on the 16th June. The next was the names of the Commissioners, and the next was, "The Commissioners appointed to inquire into the treatment of treason-felony convicts in English prisons hereby give notice," headed 3, Parliament Street, 21st June 1870, which the secretary read I believe that day, and which he said was to be published in the Irish newspapers. But this document now headed to me I have never seen before. I have never seen this before.

6277. You have not had it before?—No, my lord.

6278. (Dr. Lyons.) You have not received a copy of the printed regulations?—No, I have not received a copy of the printed regulations, Dr. Lyons.

6279. (Chairman.) You had better keep that copy then?—Very well, my lord.

6280. What else have you not received?—A question that I put to the Commission the last day was with respect to the payment of the travelling and incidental expenses of the witnesses while they are attending the Commission.

6281. That we told you already that we could not make any provision for?—The fee to counsel to assist in preparing our statements, and the facilities

D.D. Mulcahy.

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J. D. Mahony.

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that are to be afforded in dispeaving or contradicting the charges of the prison officials.

6282. We have no means of paying a fee to anybody for assisting you; and with regard to the examination of prison officials, we reserve to ourselves the power of making such regulations as we may think fit at the time?—It will perhaps be necessary for me to read for you the letter which I have received from Mr. Butt. I suppose you have seen a copy of it.

6283. Is that a letter addressed to you?—Yes, my lord.

6284. We did not see your letter to Mr. Butt, nor have we seen the reply. You can read it if you like, but I do not see what object it can serve to do so?—My lord, I attach very great importance to any advice coming from so eminent a man as Mr. Butt. I do not know any man in his profession that I have a greater regard for than Mr. Butt. I would attach great importance to anything that he would say.

6285. If it is your own wish to read it you can do so?—Well, then, I will not read it if you do not approve of my doing so.

6286. (*Dr. Lyons.*) We do not offer any opinion whatever about it. You can read it or not, as you wish?—I had better read those notes at all events, as I had them prepared to read to the Commission. You have no power, my lord, I understand you say, to defray the expenses of the witnesses while they are attending to give evidence in our behalf.

6287. None?—None to fee a counsel for us.

6288. None?—And these are the only regulations that you can give me as amended conditions respecting the mode of carrying on the inquiry.

6289. That is all?—On the morning of the 20th ultimo, Captain Harris, acting governor, read for me a letter to him, dated 26th June 1870, from my sister, stating that Mrs. Thomas Clarke Luby—

6290. Was that a letter addressed to him?—Yes; for I can only receive letters at stated periods, but matters of importance may at other times be communicated to the governor; and on that morning he read for me a letter that she had addressed to him, requesting him to inform me that Mrs. Luby and another friend would call on me in the course of the week.

6291. When was that?—This was on the morning of the 26th June, my lord. It was dated the 26th, and not read to me until the morning of the 29th.

6292. (*Dr. Lyons.*) Was that the meeting on which we were here?—Yes, Dr. Lyons.

6293. You did not mention that to us on the last day, did you?—Yes, I did. I mentioned it on the last day, but I was not aware of the date of it on that occasion. I made application since to Captain Harris to know the date, because I consider it of importance.

6294. (*Chairman.*) Go on?—Saying that Mrs. Thomas Clarke Luby would visit me in the early part of the week on her return from Portland, and that another friend, Mr. Hayes, would also visit me in reference to the Commission. I have not yet seen either of those friends. Are the Commissioners aware whether either or both of them have applied for permission to see me, and whether the permission was granted or refused by the Home Secretary?

6295. We are not aware?—I find in a letter handed to me this morning, dated 3rd July, from my sister, that Mr. Hayes applied to the Home Secretary for an order to see me, but that up to last Friday, the 1st of July—a week having then elapsed, he had received no reply.

6296. (*Dr. Lyons.*) When did Mr. Hayes apply?—My sister says that Mr. Hayes applied to the Home Secretary for an order to see me, but that up to last Friday, the 1st of July—a week—he had received no reply. There was no reply.

6297. (*Mr. De Vere.*) What was the date of the application?—It must have been, I suppose, about the 23d or 24th June probably.

6298. (*Chairman.*) We know nothing of it?—I merely wish to mention the fact, my lord, in order to show you that this does not at all facilitate matters. If friends wish to see you and make application for

that purpose, and an answer is kept back such a length of time, of course it is throwing great impediments in the way. On the 30th ultimo I applied to see in private, and without the presence of the officials of the prison, the friends named in my sister's letter, and any other friend or friends that may require to see me relative to the preparation of my statement for the Commission. I understood the Commissioners to say that I could see them. Captain Harris stated to me on the 30th ultimo for the first time, that the Commissioners had not noticed to him that I could see any friends so presenting themselves, and that to do so the necessary authority should be applied for and obtained. But I understood the Commission directly to say, that I could see persons presenting themselves for the purpose of advising or assisting me in preparing my statement.

6299. No; what we said was that you would be permitted to see your friends under such regulations and restrictions as the authorities may think necessary to impose, and with the permission of the Secretary of State?—I understood from Dr. Lyons—perhaps I misunderstood what he said though—that I could see them privately. Of course it is very expensive and very embarrassing to our friends to come for the purpose of seeing us, and when they arrive in London to find that they have to wait a week without getting an answer to their applications, though they come under the notice that was published in the newspapers, and which I have here. Of course that is very misleading.

6300. We recommended that access under strict regulations should be permitted to friends desirous of seeing prisoners for the purpose of advising them, or assisting them in preparing their statements. We believe that the arrangement would be that you would see any friends who might so come out of the house of any of the prison officials, but probably within sight. That I believe would be the arrangement, but we have nothing to do with it. With reference to the question asked by you, if we were at all aware whether Mr. Hayes has had an answer from the Home Secretary, we have no information on the subject, nor has Captain Harris?—All I can say is, my lord, that in the letter which was handed to me by Captain Harris this morning it is stated as I tell you, and as you may see; and you may see, my lord, that it is initialed by Captain Harris.

6301. I have not my doubt whatever that it is so stated in your letter?—Of course, my lord, if those impediments are thrown in the way of the prisoners in this manner, it will be a long time before the Commission will come to a conclusion.

6302. It reads with the Secretary of State, and not with us, or with Captain Harris, to say what friends should be permitted to see the prisoners?—Then I respectfully submit in that case, my lord, what evidence I would produce, or the course in fact that I was to take, as I will show you by a telegram I received. I was about reading those notes through, which would explain in a great measure the observations that I would afterwards make. If your lordship has no objection I will read the notes.

6303. Do I understand now that you are going to make a statement which will be part of your case?—No, my lord, I am not making any statement on a part of my case. I am merely trying before your lordship the different applications that I made, in order to show you that every impediment has been thrown in my way since you were here a week ago, with regard to making any progress; because your lordship might otherwise be under the impression, which would be an erroneous one, that the delay was caused by us. It was no such thing. I do not read them as a part of my case, my lord.

6304. Is there any document that you have asked for and not received?—Yes, my lord, several documents.

6305. Other documents besides the memorial to the Secretary of State?—Yes, my lord. Is there any objection to my using a pen, my lord?

6306. No.—And, if you will permit me, to sit down, as I feel weak.

6307. You say—"A copy of memorial to the Secretary of State, and a copy of statement to the directors of prisons." These I have not received, my lord. There is one in October '67; that is the first.

6308. (Mr. Broadbent.) That is to the directors?—Yes, to the directors. The date of it is October 1867, I think. I think it is in October, if I remember correctly.

6309. (Dr. Lyons.) What is the next?—The next is, "Copy of a memorial to the Secretary of State in November '68."

6310. (Chairman.) The next?—A copy of memorial to the Secretary of State in August '68.

6311. The next?—Copy of statement to the board of directors in February 1870.

6312. Are these all in the original list?—These are all in the original list, my lord.

6313. (Mr. Broadbent.) Not that of November '68, was it?—I think it is. You will find it, I think, in a letter that I addressed to Captain Harris in a letter of the 24th June. Yes, it is, "The original or a true copy" of a memorial addressed to the Secretary of State on "or about November '68, and the reply to the same." The letter to Captain Harris is dated 24th June 1870, my lord.

6314. (Chairman.) The last thing you have mentioned that you had not received was, "A copy of a letter to the directors in February 1870?"—February 1870. I have not received any of these, my lord, and Captain Harris told me this morning that I could not receive any of the following documents: "Copy of the medical certificate sent with this statement, the 'memorial'."

6315. No, that you will not receive. The authorities have decided that that shall not be placed in your hands. It will be on the table before the Commissioners, and the Commissioners will have the opportunity of examining from it, and if any point arises from it which in their judgment you cannot satisfactorily deal with from the papers in your hands, it will be the business of the Commission to examine upon it, but the authorities have decided that it shall not be placed in your hands?—Well, my lord, I respectfully submit to the medical gentlemen on the Commission that if—I have applied for other documents which I deem of very great importance. My friend, Mr. Power, has applied to the Secretary of State for a copy of the documents relative to the release of Sir Colling Rodley.

6316. Whether that application shall be accorded to or not rests with the Home Office, not with us?—Just so, my lord.

6317. I have already communicated to you that it is the decision of the authorities that you are not to be supplied with certain documents, and I am not prepared to argue its propriety or otherwise with you; such is the rule?—Would you permit me, my lord, to say what I consider would be essential to me to prove my case, and to give you my reasons for saying that I look upon these documents as essentially necessary to me.

6318. It does not rest with us to alter the regulations?—Then it does not rest with me to prove my case. If you deprive me of the means I cannot go on at all.

6319. You must exercise your own judgment?—Just so, my lord. In the case of Sir Colling Rodley it was stated, I understand, in the House of Commons; it was put to the Home Secretary upon what grounds he was released, and he replied that he was released because he was suffering from chronic bronchitis; and if I show that there was probably a worse disease existing, and that this was the rule of the Home Office, I think that that would be good ground for making the application. Here I am supplied with what is called a medical case sheet, and there is not a word in it as to what the disease is that I am suffering from. I submit that to Dr. Lyons and Dr. Greenhow, and leave them to state, could they con-

sider that any proper grounds of observation are shown in such a document as that. If you have not power, my lord, to do that—

6320. We are not prepared to argue, but we are ready to inquire into any case that may be brought before us. It rests, as I already told you, with the authorities to decide what shall and what shall not be given to the prisoners?—If that be so, there is no use in my proceeding further, my lord.

6321. I mentioned to you that the documents will be in our hands, but not placed in yours?—Well, then, my lord, I won't proceed further in the inquiry if I cannot have such evidence as I consider necessary for proving my case; if it is to be directed by the Home Secretary, and with the sanction of the Home Secretary. He has many of these facts already in his possession.

6322. You will exercise your own discretion?—If they deprive me of the documents that are essential I cannot of course make any statement to the Commission.

6323. Do I understand you to wish that we should take that decision as final?—I will read for you, my lord, the letter of Mr. Butt, and my final application on the matter.

6324. It will be quite understood that in reading Mr. Butt's letter you do it at your own request?—Yes, my lord, quite so.

"MY DEAR SIR, Dublin, 4th July 1870.

"I HAVE to acknowledge the receipt of your letter of the 28th ultimo. I can only give the same reply to it which I am giving to four other similar letters which have been addressed to me. These letters are obviously written in consequence of a correspondence which has passed between me and the Commission of Inquiry to which they refer. Some time since an application was made by the friends and relatives of prisoners that some one would be permitted to represent them at the intended inquiry. In support of that application I wrote to the Commissioners, offering, if they acceded to the application, to undertake the duty. I urged on the Commissioners the request that I might be permitted to be present at the inquiry, to adduce evidence to the Commissioners, and to put questions to the officials of the prisons. The Commissioners refused that request, and stated their determination not to allow anyone to be present at the investigation to represent the prisoners or their friends. The result of the correspondence was, that while they adhered to this determination they offered to permit me or any other friend of any prisoner to have access to him for the purpose of aiding him in the preparation of a written statement to be laid before the Commission. I declined in reply to this to take any part in the proceedings, and I expressed a strong opinion that it was very objectionable to 'call on any prisoner to place himself in the position of preferring an accusation, unless the Commissioners were prepared to allow him every aid and assistance he might require and give him every opportunity of sustaining it.'"

I say that that has not been given to me.

"I do not consider that opportunity will be afforded by the mode of investigation which the Commissioners propose. I do not think that a prisoner left alone and unaided in the inquiry can either conduct his own case and adduce the requisite evidence, or, above all, put to the prison officials the questions that may be necessary to elicit the truth. After my letter to the Commissioners, and with the strong feelings I entertain on the subject, it would be impossible for me to aid you in preparing any statement while I would not be permitted to assist you to investigate into its truth. It appears to me a very serious consideration whether you ought to consent to proffer an accusation unless you are allowed the usual assistance at the inquiry."

I am not allowed even the usual means of presenting evidence.

D.D. Molesey.

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D.D. 36649.

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"If you decide on doing so, and wish for help in preparing that statement, I have no doubt that your friends outside will be able to obtain for you that help; and if you desire it, I will be the medium of communicating to them your wish. If you proffer a request to the Commissioners that I should be permitted, not only to aid you in preparing a statement, but also to act for you before the Commission when they investigate that statement, and if the Commissioners accede to that request, I would be ready at once to go over and give you every assistance in my power."

"I remain, my dear Sir,

"Very truly yours,

"JESSE BATT."

Well, my lord, I will lay that letter before the Commission in its entirety, and ask the Commissioners if they are prepared to accede to the request made there by Mr. Batt, that he would be allowed to act for me at the investigation. I put in the letter in its entirety.

6325. I understood you to place that letter before us, and to accompany it with the request that we would permit Mr. Batt to come and represent you in this room?—Yes, my lord. I have already addressed to the Commission a letter to that effect, jointly to that effect. There is another document that I would call the Commissioners' attention to, and that is the notice.

(The Commission here deliberated.)

6326. The Commission understood your application to be that stated in Mr. Batt's letter which you have read, namely, that he should be present here to assist you while the legality is going on?—Yes, my lord.

6327. I am to inform you that, as you will observe from the correspondence with Mr. Batt, we have already considered that point, and have decided against it?—Very well, my lord.

6328. And that we adhere to that decision?—Very good, my lord.

6329. You spoke just now of having received very insufficient statements, or extracts, or whatever they may be, of a medical character, and that you are unable to complete your medical case in consequence?—Just so, my lord.

6330. And you have referred to the gentlemen on the Commission who are doctors, asking them whether under such circumstances they could think the documents referred to contain a statement of your case. I am speaking for the Commission; therefore those gentlemen to whom you appealed could not, under the ordinary rules, answer your appeal at that time. But I am anxious to explain to you, that though you have certainly not the whole of some of these documents, still the documents, as a whole, will be laid before us on this table, and they will be accessible to every member of the Commission, and each member in turn will have an opportunity of asking questions founded on those documents, and of supplying therewith any deficiency which you may think yourself, or which you may be unable to bring out in your examination, and that you need entertain no doubt whatever that the medical points will be satisfactorily and fully sifted. The documents will be in our custody, though not in yours?—May I ask your lordship whether the medical portion of the Commission has decided that these documents, as furnished to me, are sufficient?

6331. That is not a question that I can answer. I tell you exactly what the facts will be, that if you have not all the documents in your hands, we shall have all the documents in full. I have mentioned to you already that it rests with other authorities than ourselves to decide what documents you will have and what you will not have. I find the Commission in relation to the prisoners,—I do not feel myself at liberty to make such observations as I would if I were not a prisoner on this matter; and I do not like to pursue this matter, because it is painful to me for many reasons; but I will read for you some most serious objections that have been thrown in the way

of this Commission, and which to my mind confirm what I have read from Mr. Batt. I will show you where this objection rests. I want to address nothing to the Commission that is not relevant. It is stated here in a document which was served on me by the secretary of the Commission, that any friend of the prisoner who wishes to have access to him for the purpose of assisting him in preparing for his examination should make application to the Secretary of State. "The Commissioners," it states, "will be also prepared to receive any statement in writing from any friend of the prisoner, or any person acting on his behalf, and to take the oral evidence of any witness—including, if desired, any released prisoner—which may appear relevant to the general treatment of treason-felony convicts in English prisons." My sister must have been misinformed, for she writes to this effect; no, it is in the telegram it is. The statement in the telegram is, "The Commissioners refuse prisoners a counsel, or evidence of released prisoners;" or evidence of released prisoners.

6332. Do you want to know whether that statement is true or not?—My lord, in this document it is set forth under the heads of the Commission, "The Commissioners will be prepared to receive any statement in writing from any friend of the prisoner, or any person acting on his behalf, and to take the oral evidence of any witness—including, if desired, any released prisoner—which may appear relevant to the general treatment of treason-felony convicts in English prisons."

6333. We are prepared to receive any evidence of any released prisoners who are produced?—Then there is some misunderstanding in the public mind, my lord.

6334. Well, I tell you now that we are prepared to receive such evidence?—And this document, in order that I may be more correct, I referred my sister, who may not be up on this matter, to a friend in Dublin.

6335. It is unnecessary to go into that, for we have given public notice?—But, my lord, here is a public journalist; I sent my telegram to the man that I thought of all others would be the most correct in the matter, and I referred it to him.

6336. We have given public notice that we are ready to receive, amongst others, released prisoners to give evidence, if their evidence was material?—I will read another matter, my lord, that bears on the subject.

6337. The readiness of the Commission to receive the evidence of any released prisoner was stated in a letter from the Commission to Mr. Batt, which was published in the newspapers?—I will read a letter from my sister which bears on this subject, my lord, to show you that probably the Commission are not aware of the course that has been adopted. Of course you are well aware that I could not send my letter out without passing through the hands of the officials. Mr. Batt says, "Eight lines of the second paragraph of the letter received this morning have been erased." And what were those eight lines that were erased in that document? Though Captain Harris told me he had directed to send on the letter, it was sent to the Secretary of State. I copied out that letter and my letter to Mr. Batt, so that there could be no mistake. I want to the trouble of copying both this and the letter to my sister, and the eight lines, she says, were erased; they were these: "If any of my fellow-prisoners have prepared or published any account of their prison treatment in letter, pamphlet, book, or of letters, relating to the general treatment of treason-felony convicts in English prisons, send the same by such friends as may visit me. Send also by them any other statement prepared for the Commission relating to the treatment of treason-felony convicts in English prisons." I could not keep within the bounds of your notice more clearly than that, and yet those very things that are most relevant are struck out of that letter as sent, and my letter varied.

6338. Your complaint is that that passage was struck out of your letter?—Yes.

6339. (Dr. Lyons.) How do you show that that

was the particular passage b.—That was in the second paragraph.

6340. (Chairman.) How do you know it was that passage?—There were no other lines than those to count eight lines.

6341. It may be other lines?—I do not see any other that it could be except those. If you have no objection I will read it all for you.

6342. If you like you may do so?—Shall I read it, my lord?

6343. What letter is it?—The letter addressed to my sister.

6344. If you please?—

"Waking Convict Prison, Surrey, England,
"My DEAR SISTER, 1st July 1870.

"The acting governor, Captain Harris, in answer to an application which I made to him this morning as to whether I could write to you or to any other friends in Ireland or elsewhere, relative to the preparation of my statement for the Commission appointed to inquire into the treatment of treason-felony convicts in English prisons, said I could, but that all such letters should pass through the hands of the prison officials and be read by them, and that all letters from you or my friends, or statements bearing on my case sent by you or by them, should pass in the usual way through the hands of the prison officials and be read by them before being handed to me. Under those considerations I would not have you or any friend of mine forward statements relative to prison treatment through prison officials. If any friend should visit me, he or she could bring such documents and hand them to me, if permitted to do so, without passing through the prison officials. If any of my fellow-prisoners has prepared or published any accounts of their prison treatment in letters, pamphlets, book, or others, relating to the general treatment of treason-felony convicts in English prisons, send the same by such friends as may visit me. Send also by them any other statement prepared for the Commission, and relating to the general treatment of treason-felony convicts in English prisons, in accordance with the following notice which the secretary of the Commission read for me on the 21st June 1870, and which he said would be published in the 'Flag of Ireland' and other Irish newspapers; yet, strange to say, he did not say it would be published in the 'Irishman' or 'Nation'; or have those papers ceased to exist." It must be some portion of that, my lord, for it was divided into two paragraphs; that was struck out. "On the 24th June the acting governor asked me if I wished for assistance in preparing my statement for the Commission. This assistance I subsequently learned meant legal assistance, and when I was so informed, namely, on Sunday the 26th June, I wrote to the following effect to Mr. Butt, Q.C., Dublin." Then I quote Mr. Butt's letter, or at least my letter to Mr. Butt. "Up to this I have never received a letter or telegram from Mr. Butt. Of course the answer is kept back, or my letter has not reached him. When it was stated to the Commissioners that no reply had been received from Mr. Butt, one of them said he might have been on the spot; but I cannot imagine that even if he was he would have allowed our letters—for five of us wrote to him, Mr. Power, Mr. Dillon, Mr. Bourke, Mr. Rossetto, and myself—as remain unanswered. I wish you would call on Mr. Rickards of Dublin, or some other person, who would see Mr. Butt, and ask him if my letter, or any of our letters have reached him. If you could spare time to learn further, you might call on him yourself. The acting governor, Captain Harris, read your letter to him for me on Wednesday the 23rd ultimo, conveying to me the sad intelligence of the death of my very dear friend Mrs. Luby, and the depressing news of the weak condition of my poor father." (Here the prisoner was so overcome by emotion that it was some minutes before he could proceed).

6345. If you wish the letter read the secretary will read it for you?—I will read it, my lord. "Also informing me that Mrs. Thos. Charles Luby would visit me in a week on her return from Portland, which she has not done up to 5 o'clock p.m., 1st July 1870; nor has my friend Mr. Hayes, who you also stated in the same letter would visit me in relation to the Commission. He has not applied at the prison up to the time of writing. I am at a loss to account for this delay, especially as regards Mr. Hayes. Both you and he must know that it was announced in the newspaper I have quoted for you that the Commission would sit, and consequently was at Woking on Monday the 29th instant, at 12 o'clock. I wish you to explain Mrs. Luby's and Mr. Hayes's delay in visiting me. The Commission has been adjourned until Monday next the 6th July. I do not intend to give my statement to the Commissioners until I hear from you. See my friends and understand more fully the purport of the Commission, and the use to be made of my statements. I may make. I wish you to reply to this letter by return of post if possible, if not, as soon as possible; but before doing so, see Mr. Pigots of the 'Irishman,' or any other gentleman you know connected with the press, and ask him to procure for you a copy of a question put in the House of Commons some time last session by some member of the House relative to the release from confinement of convicts; Sir Culling Enderby, the Home Secretary, having it seems followed the rule of the House Officer relative to the release of convicts whose health was likely to be permanently impaired by protracted imprisonment. It is absolutely necessary that I should have your answer to this letter before Monday next, and also that I should see any friends who may wish to visit me on matters connected with the Commission. I feel bound also to tell you that the Commission will not defray the expenses of such witnesses as we may wish to examine to give evidence respecting their treatment in English prisons, and I need not add that treason-felony convicts in English prisons are not in a position to pay the expenses of those witnesses, for do they intend to ask such witnesses to pay their own expenses. The Commissioners also said that they had not retained Mr. Butt, Q.C., and have no power of doing so, that if he were retained it should be at the prisoner's own expense. People possibly conceive in Ireland that the expense would in all three cases be comparatively minimal. It is questionable if it would be wise on the part of our friends to retain Mr. Butt, as we could only have his assistance in preparing our statements, the Commissioners having peremptorily refused to allow him or anybody else but the prisoner to be present when the statements we hand in as evidence goes to the Commission. Send us by Mrs. Luby or Mr. Hayes, or other friends, such letters or pamphlets of any firm as any released prisoners may have prepared of the treatment they received." That is the entire, my lord; and that portion of it, that I believe, my lord, which was most relevant to the inquiry respecting the general treatment of treason-felony prisoners in English prisons was erased; and I have every reason to believe by direction of the Secretary of State or by the board of directors. I need not remark further upon that, my lord. Your lordship has more experience in matters of this kind. It is very embarrassing, to say the least of it, because if the important parts or documents are struck out it is very much calculated to mislead those who have to read them.

6346. We will inquire and see what the fact is upon that point. As I understand, your allegation is that eight lines of your letter to your sister were struck out?—Yes, my lord, eight lines of paragraph 2.

6347. As that those eight lines which have been so struck out you believe were those that specially referred to the opportunity of receiving or transmitting statements to be laid before the Commission made by other prisoners?—Yes, my lord, whether

D.D. Miskelly.

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D.D. Malachy.

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they were written or in print. And, my lord, another difficulty was thrown in the way. I have been very careful in this matter not to unnecessarily occupy your time, and if anything I am asking you think irrelevant I wish you would correct me, so that I may not persevere in bringing it under your notice. I have been very particular in my applications to copy them, and when I received any answer to note it, so as not to depend on my memory. I made this application to the deputy-governor. On the 1st of July I asked him if he would send a telegram to Dublin for me, because I was anxious when you came here to be in a position to give you a decided answer as to whether I would make a statement or not. He replied, "Yes, but he did not think it necessary." I then saw him on the 4th July, when I prepared a telegram for Mr. Richard Pigott to inquire into the matter, and he said that he did not think it was necessary. Then I wrote to the effect that on reconsidering the matter I deemed it of importance to forward this telegram to Mr. Richard Pigott, as I cannot go on until I get a definite answer to the question I put in the telegram. On the 5th July I asked him if he received the telegram, and he said, "Yes." "Did you forward it?" "Certainly not." This surprised me, as on the 4th July he said he would send a telegram for me. When I am told one day that it will go, and the next that it will not, I do not know what course to pursue.

6348. (Mr. Brodrick.) Was it on the 2nd July that he replied, "Certainly not"?—No, on the 3th of July. On the 2nd July I made the application to him to send the telegram.

6349. (Chairman.) Did he say to you on the 2nd July that he would send it?—On the 1st July, my lord, I applied to him. I asked him, "Will you send a telegram for me to Dublin?" "Yes," said he, "yes, but I do not think it necessary."

6350. (Mr. Brodrick.) Did he then ask you what the telegram was to be?—I told him that it was a telegram about Mr. Butt; that I was surprised at having no answer from Mr. Butt. I said I was driven to the last resource; if I sent in a letter, the reply would not be in time for the Commission, so I intended to adopt the course of sending a telegram; and the telegram was to this effect:—

6351. (Chairman.) You did not read it to Captain Harris, did you?—Not at the time. I did, my lord. I read it when he said he did not think it necessary.

6352. At the first time?—Oh, no; but he afterwards said that, my lord. This is the telegram.

6353. The telegram that was sent?—The telegram that was sent, my lord. I enclosed it in an envelope to him, and it was transmitted after some time, but the date is not given. (Half-past 11 o'clock a.m. 4th July 70. Telegram from D. D. Malachy, Irish political prisoner, Woking Convict Prison, Surrey, England, to Richard Pigott, Esqre, Irishman office, Lower Abbey Street, Dublin, Ireland. My sister's letter of 25th June received 29th; no visit from Mrs. Leahy or Mr. Hayes; why? Write Mr. Butt 27th. Did he get letter? Can he come to Woking? Want him or some friend before Commission meets again, 6th July. Would Mr. Nolan come? Write my sister 1st July. See her. Answer by "telegraph to-day, and by evening's post." Captain Harris's answer when I read it was: "I don't think it necessary to send the telegram. Mr. Butt was engaged when he got your letter; that is the reason he did not come. The Commission will adjourn when they come if you are not prepared." Now, my lord, that was most misleading, because the reason Mr. Butt did not come was not that he was engaged, but that he disapproved of the conditions on which the Commission was held. I wrote this note to Captain Harris:—"Sir, (half-past 11 o'clock), on re-considering the matter I deem it of importance to forward this telegram immediately, as I feel I cannot go on with my statement until I get definite answers to questions put in this telegram."

6354. And it was then sent?—It was not sent then,

my lord. That telegram I read to him on the 4th, and on the morning—

6355. You say that Captain Harris answered you that Mr. Butt was engaged, was that in writing?—No; he told me so, my lord. He never answered in writing. He comes into, and my application he—sometimes he will answer in a book, "Yes," or "No;" but I am correct, my lord, in taking down the substance of his answers. On the 5th July, my lord, I asked him, Was the telegram sent? His answer was, "Certainly not;" but he did answer afterwards and say that the telegram was sent.

6356. (Mr. De Vere.) When was that?—That was on the 5th July, the day after I read the telegram.

6357. (Mr. Lyons.) Can you state when the telegram was sent?—I cannot, Mr. Lyons. On the 6th July 1870, about a quarter to 1 in the afternoon, Captain Harris came to me and said, "You asked me yesterday about a telegram; it was sent yesterday." That was the 5th when it was sent, according to Captain Harris. "Have you received an answer to it?" I asked, and he said, "No." "Have you received any answer to my letters?" I asked him. "Yes," said he, "your sister has written, but from the tone and observations of her letter they render it out of my power to give it to you;" and that letter I did not receive until this morning; that is the letter from my sister.

6358. That letter from your sister is the one you read to us?—Yes, this morning, my lord, that letter was handed to me by the director's order, I understand, but it was written on the 2nd July, and I did not get it until the 7th. He promised, in fact, when I asked him about my sister's letter being forwarded, because it is not good to allow letters to remain several days without being sent. It is very hard and difficult to understand the regulations of the prison as regards the prisoners. I may be put down as troublesome to ask those questions, and it is not pleasant to put down applications at night to see the governor every morning. Of course that is troublesome, but in business matters a man must be somewhat precise. I asked him, "Did you receive the letter that I wrote to my sister?" He said, "Yes, yes; if there is anything in it requiring an alteration I will send it to you, so as to go by the evening's post." Now it was sent by the evening's post, and there were alterations; or at least it was altered. I asked also on the 5th July, "Can I have the full abstract of the report dated January the 20th, 1870, as this merely states I was reported as 'for improper language of the pump.' Now 'improper language' may mean anything, and that gives no information. The answer was, 'It is the usual abstract made.' I have no doubt Captain Bramley considered it improper language. I saw the answer in the book, and it was, 'It was sufficient,' or something to that effect. I have a note of it somewhere, if I could only lay my hand upon it.

6359. (Mr. Greenock.) Were you punished for the improper language of the pump on that occasion?—No, I was not punished on that occasion, Mr. Greenock; but that requires an explanation, for it has an important bearing on the matters.

6360. (Chairman.) Malachy, I understand that you wish for time before making any statement to us. That is your present position, is it not?—My lord, there are a great many documents before me. I find here conflicting statements. The Commissioners stated that—

6361. Will you be kind enough to answer my question? Do you not wish to have more time before you make your statement?—Before I make a final statement, my lord.

6362. You wish for time?—I wish to consider, my lord. I believe there is some misunderstanding with regard to the publication that these statements are to get. I understand they are to be simply published for the Commission. I was under the impression that all the evidence was to be accessible to the public.

6363. It will be our recommendation that it be

published?—Oh, then, my lord, I was completely mistaken I find.

6364. It depends of course on the Home Secretary, or it will be in the power of any Member of Parliament to move for it. We request that it shall be made public?—But it is in the power of the Chief Secretary to refuse that, too, my lord. I am a very young man, but I recollect some instances where there were inquiries, and when they were called for the Home Secretary refused them.

6365. All we can say is, that we shall recommend that it shall be published?—That is a matter that I shall require to give very serious consideration to before I make any statement, my lord.

6366. We shall recommend that it be all published. We can give you no promise, because we have not the power of printing. I believe it will be published. I believe and hope that it will.

6367. (*Dr. Lyons.*) The Commissioners believe that it will be published.

6368. (*Dr. Greenham.*) We cannot undertake to say that it will be published, but we hope it will?—Will our friends get a copy of the statement?

6369. (*Chairman.*) I believe and hope it will be all published and open to the public in general?—That is one of the things that I shall take time to consider, my lord. You have distinctly refused to allow Mr. Butt on the conditions he has applied himself. I understand that the Commission refuses to allow Mr. Butt to be present?

6370. We do.—Another point is, my lord, with regard to the publication of the evidence.

6371. I cannot tell you more upon that point than I have already done.—That you merely will recommend, and that you cannot promise the evidence will be published. Upon these two matters I will have to give serious consideration before I can give a final answer.

6372. If you intend to submit to us a written statement it will be desirable that you should send it; in fact it is necessary that you should send it before tomorrow week, so that we may have it before us for

The prisoner withdrew.

Captain Harris recalled.

6382. (*Chairman.*) Captain Harris, there are one or two questions arising from what the prisoner Malahy has stated to us that we wish to ask you. When did Malahy place in your hands a letter to his sister?—I do not think I can answer that question from memory, my lord. I can ascertain when it was forwarded, but I do not remember exactly the date.

6383. Did you enclose any passage from it?—The letter which was forwarded; yes. I think I can tell you the date of that.

6384. (*Dr. Lyons.*) Do you wish to refer to any book?—I fear I must; I cannot tell from memory. (*Witness withdraws and returns.*) It was on the 1st of July.

6385. You received that letter from Malahy?—I received it.

6386. When did you send it?—On that evening.

6387. Did it go to her in the shape in which it was placed in your hands?—It did not. By the authority of the chairman I erased certain passages.

6388. Did you submit it to the chairman?—I did. I took it myself.

6389. You took it yourself to London and submitted it to the chairman of the board of directors?—I did.

6390. (*Mr. De Vere.*) Did you say to Malahy that if there was anything objectionable in it you would erase it and let him know?—I do not remember saying I would erase it or let him know. I do not remember anything to that effect.

6391. The lines erased were erased by the authority of the chairman?—They were. I did it myself. Do you wish to know what they were?

6392. You may state it.—He asked for any pamphlets which had been published by prisoners who

consideration when we come to examine you upon it?—If I send in a written statement I suppose I will have it prepared by that time. I have it prepared, but I may have to write it again.

6373. You have now a week?—Yes, my lord; but I struggle—

6374. I must tell you that your next appearance before the Commission will be the final one?—Yes, my lord.

6375. You will at that time make a statement, or finally say that you will not make a statement?—Yes, my lord; but with regard to the medical notes I asked for, do you refuse to give me those?

6376. The question of giving or withholding them has not rested with us, but with the authorities in London, and we cannot interfere. I have told you that a full statement will be in our possession, but not in yours?—But, my lord, I do not know how it is that I have copies of Dr. Blaker, who, I must say, though I may have something to say otherwise of his disposition; I must say cordially that as a medical man he is afraid of nothing, and he appears to me to give his notes.

6377. We cannot argue with you?—But, my lord, if you have power to get such notes for me as those that are furnished by Dr. Blaker, what is the objection to giving similar notes from the other prisoners?

6378. I cannot enter into an argument on the subject?—My lord, I think when Dr. Blaker gives what is really a medical case short, and other men give back such portions as absolutely amount to nothing, I think Dr. Blaker has given his notes very fairly, taking everything into consideration; but I must certainly say the others are not such as I could pass that comment on.

6379. We will not go into that?—I will not promise to give a statement, my lord.

6380. You will exercise your own judgment?—Yes, my lord. About the visiting and writing business.

6381. We will make inquiries about it?—Very good, my lord.

Capt. Harris.

were released from prison, and requested that any friend that came to visit him would come supplied with them.

6393. (*Dr. Lyons.*) Did Captain De Cane think that those were documents that ought not to be allowed to be brought in?—He did; pamphlets or statements.

6394. (*Chairman.*) With regard to the telegram which was sent to Mr. Pigott; he has stated that he applied to you on the 1st of July about sending a telegram bearing reference to Mr. Butt, and that you at first said you would send it, but a day or two afterwards said you could not send it?—My first answer to him was that I would send it if I thought it necessary, but that at the time, as his communication had gone by the post, I did not consider it would be necessary.

6395. Subsequently, did you say anything else?—Yes, subsequently the telegram was submitted. He sent it to me again, I submitted it, and it was sent.

6396. You submitted it to the authorities in London?—I did, my lord.

6397. Did you say at any time to him that Mr. Butt was engaged, and that that was the reason he did not come?—He asked me the question on one occasion why no answer had been received from Mr. Butt, and I said I had reason to suppose that he happened to be engaged at the time he wrote the letter. In fact I knew he was.

6398. (*Dr. Lyons.*) You knew he was?—I heard he was. He was engaged, I believe, on professional business at that time.

6399. (*Chairman.*) Was Malahy informed in the usual course that his letter went, but with certain portions of it erased?—Yes, he was; but he was not informed of the erasure.

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6400. He was not informed that there had been one?—He was not informed that there had been one. It is not customary to inform a man in such cases.

6401. When a letter is received, and a portion of it kept back, it is usual to inform the prisoner of such. Is it not?—It is not always done. The lines crossed are, properly speaking, entered in the governor's journal, but are not of necessity communicated to the prisoner. On the dispatch of a letter he is only told that certain passages have been struck out, but it is not invariably done.

6402. (*Dr. Lysons.*) Does he not see them struck out in the case of a letter that comes in?—He sees the errors, of course.

6403. Did you say to him on the 3d July when he requested you to send the telegram, "Certainly not"?—No; "On my own authority I may have said, "Certainly not." I do not remember having said "Certainly not," but if he stated it I may have said so.

6404. (*Mr. De Vere.*) In point of fact, it did go on the 3d July?—Yes, he sent it in again, and I submitted it to the board of directors. I did not think it was at all proper for a prisoner to telegraph in that way. I did not think the circumstances so urgent. He asked me a number of questions, and it is quite possible that I may have said, "On my own authority, certainly not."

The witness withdrew.

W. P. Roanster.

WILLIAM F. ROANSTER, prisoner, recalled.

6410. (*Chairman.*) The Commission have sent for you, Roanster, in order to learn from you whether you are prepared now to go into any statement, or whether you wish for any further time?—I did not get the documents that I asked for, sir. I got some of them on Monday last—Monday evening last, and others of the documents are withheld from me, my statements to the Secretary of State and board of directors.

6411. (*Mr. De Vere.*) Can you give day and date for them?—I have given the dates.

6412. (*Chairman.*) Have you given the dates of those to Captain Harris?—Yes, my lord. I was told that the Commissioners had them and withheld them from me.

6413. We have not got them?—I was told that by the clerk; he told me so. He told me that I would not get them. This morning I asked him.

6414. Roanster, you should understand that we, the Commissioners, have not got any documents before us which we keep back. We have not got them?—I have got all the other documents. I asked the clerk this morning, Mr. Ball, and he said the Commissioners had three statements, but that I would not get them.

6415. (*Mr. De Vere.*) What statements?—The statement to the Secretary of State in August 1897, and my statement to the board of directors.

6416. (*Chairman.*) Statements made by yourself?—By myself.

6417. You applied this morning again for them?—I applied this morning again. This morning I was supplied with some of the documents. The clerk said to me, "You have all except the statements; the Commissioners have those statements, and you cannot have them."

6418. (*Mr. De Vere.*) You made statements to the directors and the Secretary of State?—By memorials to the board of directors and the Secretary of State.

6419. (*Chairman.*) You will understand that the giving or withholding of documents does not rest with me, but with the directors or prison or the Secretary of State. We will inquire into the circumstances under which those documents have not been given to you, but beyond that we cannot go?—Those are very important documents, because they corroborate the testimony of what I bring forward.

6420. (*Dr. Lysons.*) Can you tell what the dates of those were?—August 1897, my first statement to the Secretary of State. I have it amongst some of

6405. (*Chairman.*) We have adopted a resolution to-day. It is quite obvious that some period must be fixed at which the permission to see friends should cease, but we thought that permission should not cease until the commencement of our next examination, which will be a final examination. The resolution will be, that permission to see friends for the purpose of their assisting prisoners to prepare their statements shall not cease until the morning of the day which the Commission may appoint for their final examination, but it leaves the right to you to say what that day is.—Very well.

6406. (*Mr. Greenham.*) After hearing that resolution you will feel quite justified in declining friends to see the prisoners subject to the regulations?—Yes, subject to the sanction of the Home Secretary. The interviews will take place in my presence, so they have done heretofore, in the governor's office.

6407. (*Chairman.*) When the authority of the Secretary of State comes, will it be necessary that there should be a special authority in each case?—I think so, my lord. It is a very exceptional case; I should hardly feel justified in granting an interview, unless special authority could be produced.

6408. Is that the function of the directors?—It is.

6409. Roanster has asked for papers, he says, which he has not had?—He has asked for some, my lord.

those documents here, but I do not know which of them now. I think I have it here. Yes; on June the 29th. I applied to the directors for a statement first, and this was the answer: "As he has not petitioned before, he may do so," a suppressed letter—that is simply speaking of a letter that was suppressed.

6421. Continue with your statement of what the documents are that you have not got. You mentioned a statement to the Secretary of State of the date August 1897. Have you got everything else that you want?—And another to the board of directors in February 1898.

6422. (*Chairman.*) You have already mentioned the dates of them to Captain Harris?—Yes; Captain Harris has all the information about them.

6423. Do I understand that you would wish to defer making any statement to the Commission until you have been supplied with those papers?—Yes, sir; and I have got a letter that Captain Harris gave me on last night from Mr. Butt, in answer to a letter of mine.

6424. Do you wish to read it?—There is a request here that I would wish to proffer to the Commissioners.

6425. What is it?—It is the last paragraph of this letter.

6426. You can read it?—If you prefer a request to the Commissioners that I should be permitted, "not only to add you in making a statement, but also to act for you before the Commissioners when they investigate that statement; and if the Commissioners accede to that request, I am willing to go over and give you every assistance in my power."

6427. Do you make that request for yourself?—I do; for myself.

6428. I am obliged to tell you, as I did one or two others, that the Commission have carefully considered that question, and cannot accede to it?—Well, then, will I have the privilege of replying to Mr. Butt, and telling him that that is the answer of the Commissioners?

6429. Oh, certainly?—Before I lay my statement before you I would wish to have an answer from Mr. Butt, and these other documents.

6430. Very well. Then your examination will be deferred till our next visit. If you wish to send in any written statement it must be sent in to the secret

lary by to-morrow week, through the governor. You will put it into an envelope, and hand it to the governor by to-morrow week. If you do not choose to send in any statement you can inform the governor so, and he will inform us at that time. We ask for it by to-morrow week, in order that we may have time to consider it before we see you personally. The next time that you come before us must be understood to be the final examination, and you will necessarily make up your mind as to whether you will make any statement to us or not?—Yes, my lord.

6431. (*Dr. Greenhow*.) You understand that you may close the envelope, so that the governor may not see your statement?—If I do make a statement, of course I will hold it until you come.

6432. (*Chairman*.) No. We want you to forward it to us in order that we may consider it. You should send it to us by to-morrow week. What *Dr. Greenhow* means is, that you should put it in a closed envelope, so that it may come to us as it leaves you?—Mr. Butt

The prisoner withdrew.

EDWARD POWELL, prisoner, recalled.

6436. (*Chairman*.) Power, when you were here before you asked for various papers and documents; have you received them?—Some of them, my lord.

6437. Will you state what you have received?—“Abstracts from prison books at Millbank, Portland, and Woking, relating to me.”

6438. You have received those?—I have received the abstracts. I may add, though, that I believe them to be imperfect. I believe the abstracts are imperfect.

6439. You have received what profess to be abstracts?—Yes, what profess to be abstracts, my lord. “All suppressed letters written by me in ‘Millbank, Portland, and Woking, with the cause of their suppression, or any other remarks appended by the governor.’”

6440. You have received those?—Yes, my lord, I have also received these.

6441. What else have you received?—I asked for the “case sheets containing medical history of my illness in Portland, Millbank, and Woking.” I have received some case sheets, but I think the only one of them that can properly be called case sheets is the one I got from Portland.

6442. I must tell you, as I have told others, that the Commissioners are not responsible. They have not the documents under their control; and it has been decided by higher authority in London what documents should be supplied?—Yes, but I have been supplied from Portland with a case sheet. There is no harm in my handing in that, to show that it is not a medical case sheet. What I have received here I believe not to be a true copy of the case sheets.

6443. From what prison did that come?—From Woking. I think it is evidently prepared for the occasion.

6444. Extracts from case sheets, is it?—No; I asked for the original case sheets, but I have been furnished with copies. I am satisfied with what I received from Portland. I believe this to be a true copy from Portland. It is the only one that is signed “a true copy.” It is signed by Dr. Blaker “a true copy.” The others have not got that signature.

6445. Go on?—That is all I have received, my lord. There were some others that I asked for that I have not got.

6446. (*Mr. Broadrick*.) What are those which you asked for and have not got?—“Memorial regarding ‘my health, forwarded by me from this prison to the ‘Secretary of State, with the accompanying medical ‘certificates.’”

6447. Was it written by you?—Written by me to the Secretary of State.

6448. (*Dr. Lyeon*.) What was the date?—I have a

say, here that he has been in communication with the Commissioners since that previous to my letter.

6433. Yes?—And if I was aware of that at the time—if I was told of it—it would facilitate the business of the Commission, not to have them come again; because I would be prepared probably, and would have your answer if I knew Mr. Butt’s answer, so it is not my fault in detaching the business.

6434. (*Dr. Lyeon*.) I wish to know from you if you distinctly understand that though the Commission cannot hear Mr. Butt as counsel before them, for you, it still is quite open to you to have Mr. Butt, or any person else, to advise with you in private in the preparation of your statement, or any oral evidence that you may have to give?—Yes, this letter tells me that.

6435. But do you understand it distinctly?—Yes, I understand it distinctly. This letter tells me so. But his presence at the investigation is necessary, because I can draw up my own statement, and I have those documents to refer to, and my memory.

copy of the memorial here, which I intend to read further on.

6449. (*Chairman*.) You say you received a copy?—This is a memorial I forwarded about four months ago. I do not know the exact date of the memorial.

6450. But you have not received it?—I have not received a copy.

6451. (*Dr. Lyeon*.) About when was it?—I think about four months ago, “with the accompanying ‘medical report, and the reply from the Secretary of State.’” That was also in the application.

6452. (*Mr. De Vere*.) You complain that you have not got a copy of a memorial written about four months ago?—About that time.

6453. Or of the answer thereto?—Yes, and of the accompanying medical report.

6454. (*Mr. Broadrick*.) Did you apply for those one memorial of your own?—Only one memorial, sir. It is the only one that I sent from this prison, so there can be no mistake whatever about it.

6455. (*Chairman*.) Is there anything else that you have not received?—“All certificates in reference to ‘my health, forwarded by medical officers of Millbank, Portland, and Woking prisons to the Secretary of State, board of directors, and governors of ‘prisons; and the reports made by medical officers ‘to each other on my removal from one prison to the ‘other, including that from Monsey to Millbank.” I also applied for “the rule of the Home Office relative to the release of invalid convicts,” and when I made the application, I think, my lord, you said you had not the power to grant it, but that I might memorialize the Home Office. I did memorialize the Secretary of State. This is a copy of the memorial, which I will read for you:—

“Deeming it essential for the due preparation of my statement, and to enable me to lay my case properly before the Commissioners appointed to inquire into the treatment of treason-felony prisoners in English prisons, I applied before the Commission on the 30th ultimo for the rule of the Home Office relative to the release of invalid convicts whose health seemed to be impaired by prolonged imprisonment, as exemplified and carried into effect in the case of Sir Colling Buxley and other criminal convicts. The Commission suggested an application to the Home Office.

I remain, sir,
Your obedient servant,
EDWARD POWELL.

“P.S.—Should this application be complied with, it is necessary I should be furnished with same before the Commission resume their sitting in this prison on Wednesday the 5th June.”

I have had no answer to this, my lord. That is all

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the applications that I made. I have some of the papers; the others I have not got.

6456. I explained to you before, that it rested with the Government authorities to decide what should be supplied to you and what should not?—With reference to the medical cases?

6457. With reference to these I may tell you that they will be in our hands probably, in full, and the Commissioners therefore will be able from them to examine upon any points which you might not be able to touch on from the abstracts, if they be abstracts, in your hands. It does not rest with us to decide, as I say, what papers shall be placed in your hands or not; that rests with others?—But, my lord, I do not think it proper for the Secretary of State that he should take this matter in his hands. You must be aware that he is on his trial as well as the prison authorities.

6458. I am not going to argue that point with you. I have told you that it does not rest with us but with the directors of prisons and the Secretary of State?—About those medical case sheets, it is absolutely necessary that I should be furnished with them. If you look at that, I was admitted into the infirmary at Portland for phthisis, and I have been 15 months in prison since.

6459. We will consider with the governor whether you are entitled, consistently with the rules laid down by the central authorities, to have any more of those supplied to you. If it be consistent with the rules they will be supplied to you?—Then am I to understand that the Commission has only a limited power?

6460. You are to understand exactly what I have told you, that we have no power to order the production of documents. That rests with the authorities?—Then I do not see the use of going any further in the matter.

6461. You will make up your own mind as to that?—I forwarded a requisition to be examined by the medical gentlemen of the Commission.

6462. Yes; the governor brought that under notice. That will be considered. There is no answer to it now. We will be here another day?—And positively I will not get those documents?

6463. I cannot tell you. That rests, as I say, with the authorities. Some of them you certainly will not

The prisoner withdrew.

Capt. Harris.

Captain HARRIS recalled.

6464. (Chairman.) Resolute has stated to us, Captain Harris, that he has applied for a statement or memorial to the Secretary of State sent in August 1857, and also for a statement sent by him to the board of directors in February 1858. Are those the documents which you mentioned to us to-day?—No; those are not the documents I mentioned to-day, my lord. He applied for copies of applications to see the governor at Pentonville. The suppressed letters that I mentioned he got to-day; the others he has not yet received.

6465. Power stated to us that he wanted a memorial regarding his health, which he sent to the Secretary of State four months ago. Has he asked for that memorial?—He has, my lord, but he had particular stress on the reply.

6470. He will have an answer one way or the other as regards these?—Yes.

6471. He spoke also of the "reports of the medical officers of the three prisons, Millbank, Portland, and Woking, to the Secretary of State, based of directors and governors of prisons, and those made by the medical officers of those prisons to each other" on his removal from one prison to another?—These will be considered.

6472. "The rule of the Home Office relative to the release of invalid convicts?"—That will be laid before the Commission.

6473. (Mr. Brodribb.) Have you received from each prisoner a written statement of the documents which he required?—Some of the prisoners have made application to me verbally; but nearly the whole of the

get, because rules have been laid down against giving them in other cases; but I cannot tell you exactly what you will get?—Will I get the medical report that accompanied the memorial to the Secretary of State?

6464. That I cannot tell you. It rests, I must again say, with the Secretary of State and not with us to give or withhold it?—I am not prepared to go on now, at all events, even if I intended to hand in a statement. Some of those papers I only just looked at and some I did not open. I received a letter from Mr. Bent which makes it doubtful whether I ought to make a statement to the Commission at all.

6465. If you do prepare a statement it should be sent through the governor, in a sealed envelope, to the Secretary of this Commission by to-morrow week, in order that we may have an opportunity of considering it before we come here to hear your oral statement. We will fix a subsequent day to hear the oral statement of each prisoner or prisoners as may make statements. If, however, by next Friday you decide to withdraw from the inquiry and not to make any statement, it is open to you to do so, and you would then inform us that you do so. If you send in any statement and when we come again you wish to make an oral statement, you can do so. But then it is to be understood that at our next visit it will be the final examination, and you will accordingly decide whether you will or will not make a statement?—Would the Commissioners compare the case sheets I have received with the originals, and see if this is anything like a copy?

6466. We shall have the papers before us to deal with them, and shall perhaps do that when the investigation goes on. We shall be quite prepared, if you allege, for instance, that the documents you have been supplied with is not a fair representation of your case from the original document, to compare them for our own satisfaction, and to see whether, as far as it went, it was a fair representation?—There is no disease marked in this sheet at all. There is in the Portland one.

6467. We shall be prepared to compare them if necessary.

documents have been asked for on paper as well. Many of them put (in the application book) the question to me, "Can I receive such a document?" and I have on their verbal applications referred one or two questions; but I think the whole have now been put in writing.

6474. It appears material that you should have before you a complete list of what it is they have asked for, with a view to inform them ultimately how many of those documents they can have, and how many of them they are not to receive?—I will take care to have such a list made, and they will be informed accordingly. But until the documents are ready to be given to them you do not wish that they should be informed.

6475. No, I think it is better not?—There may be some delay in copying, but on the receipt of authority for the issue of any document you would wish the prisoners to be informed at once.

6476. Yes. Wherever there is a final arrangement they may be informed?—Very well.

6477. (Chairman.) We have told them that if they submit a written statement they must send it through you in a sealed envelope, which you will be kind enough to forward at once to the Commission?—Certain.

6478. (Dr. Ligon.) You will not think it necessary to open or examine the documents?—Not if they are addressed to the Commission.

6479. (Chairman.) They may be received up to such an hour as to be in time for the post on Friday,

so as to reach London on Saturday morning?—Very well, my lord.

6480. If they make any communication at the same time as regards their future intention it would be well to make it known to us?—I shall, my lord.

6481. For instance, if they all had said that they

The witness withdrew.

DENNIS D. MURCAM, prisoner, recalled.

6483. (Chairman.) Do you wish to see us again?—Yes, my lord; I wish to ask one or two questions. You have limited the time for preparing a statement to a week, I believe?

6484. Yes?—But with regard to the time that those documents will be furnished there may be very great delay in giving them to us, my lord.

6485. We have been asking Captain Harris to do what he can to place them in your hands as soon as possible?—If a statement is to be sent, it will be essential to have those memorials and statements embodied in it.

6486. They will be supplied as soon as they can?—Of course I could not go on without them. Is there any objection that I should communicate with Mr. Butt, and state to him the conditions on which the Commissioners propose to proceed; to write to Mr. Butt, my lord, and tell him; is there any objection?

6487. As far as we are concerned, none whatever. Not writing to Mr. Butt any private matter, however?—I mean as to whether a letter will be allowed to pass out from the prison.

6488. If you put into the letter nothing but what is relevant to the inquiry?—What is desired here to-day, my lord, on these terms to be some understanding between the public outside—

6489. We cannot interfere with the governor's discretion; but I presume that it is the wish of the central authorities that communication should be free so far as related to the subject of the inquiry?—Did I understand your lordship to say that the report of Messrs. Pollock and Knox would not be allowed?

6490. It will not?—Well, my lord, I want say that I think that a very important document; for if I gave certain evidence to them, which they have suppressed, I should think it very important and requisite to understand that.

6491. That is no part of our inquiry?—But I have learned from my friends that that report has been made use of repeatedly by the Home Secretary; and I can show you, without going over one line of my own evidence. The question put to me the other day by Dr. Lyons, with regard to the bread and water, was, whether I was particularly sure that I received so many days bread and water. I find I was perfectly accurate, and that I was five days and a half. I wish to show that I have stated many important matters to these Commissioners that were not stated in that report, and that report was used as evidence against us to prove that we were untruthful. Therefore, I consider it very important to have that report, to point out the portions of our evidence that were suppressed.

6492. No, you cannot do that?—Then, my lord, in this case the Secretary of State won't be informed of the true nature of the report in the present instance; because, if I could show that I stated those things to these gentlemen, and that they suppressed them, it would show the Secretary of State that he had done us a great injury.

6493. We cannot go into that?—Very good, my lord.

6494. (Dr. Lyons.) But you can go into anything that you think material in the absence of that report?—Yes; but if I had the report of Messrs. Pollock and Knox I could show that I stated to them two or three very important facts with regard to the bread and water, and the homocystids, and being sent to Dartmoor when it was known—as I can show from the very documents I have here now, which have come from the prison books, and which are the most meagre abstracts

had made up their minds not to come before us. We should be glad to be informed of anything of that kind?—I shall inform the Commissioners.

6495. (Dr. Lyons.) You will leave them to exercise their full discretion as to whether they will or will not make a statement to the Commissioners?—I will leave them to themselves altogether.

6496. It is quite right that you should?—For I would be only acting under a misapprehension otherwise. That was the reason that I made application to see your lordship before you left, to see could I have that report of Messrs. Pollock and Knox.

6497. No, you cannot?—There are two or three other matters that I wish to add. I asked for original notes. I have no doubt that it will be said that much of this evidence was concocted, and I wish therefore to have as much corroborative testimony as I can procure; besides there were notes that were found on me in Millbank before I was six months in prison. I was told here that these notes were not forthcoming. They were original notes found on me in Millbank Prison in November 1866, and they had reference to the treatment in the convict prisons of Penzance and Portland at the time, and were made at the very time in prison.

6498. (Mr. Bradbick.) Made by yourself?—Made by myself, at the recollection of the severe punishment I suffered. I would have passed them out if I could.

6499. (Chairman.) Have you asked for them?—I have asked for them, my lord, and I am told that they are not forthcoming; in fact, they say they have not the prison books up to September 1867, my lord.

6500. Do I understand that those were notes made by yourself?—Yes, they were notes made by me, my lord.

6501. To refresh your memory?—No, my lord. In prison you are not allowed to make any copy, but the treatment was so severe that I made the notes.

6502. They were found on your person?—They were found in this way, my lord. I had a scapular, and they were affixed to the back of it by a piece of black stuff which I found in the quarries in Portland. It may be told to you that I opened this scapular; I did not. I found a piece of black lining and stuck it to the back of the scapular to hide these notes. They were found, and they were handed up by the Roman Catholic chaplain at Millbank, the Reverend Father Zenati.

6503. (Dr. Lyons.) In what prison were the notes made?—In Portland Prison, Dr. Lyons.

6504. When were they taken from you?—They were taken from me in December 1866, when I was removed from Dublin to Millbank. They were all made in prison.

6505. Where were they taken from you?—In the prison.

6506. In what prison?—In Millbank Prison. They were handed up by the Reverend Father Zenati, the Roman Catholic chaplain.

6507. How did he come to find them?—The scapular was given to him by the prison authorities, and he opened them and handed them up. You will find an entry made in the caption sheet which refers to them, and it is stated that there was no punishment, but I will explain that there was punishment, for I was sent to Dartmoor in consequence of it. This was the punishment—to be removed to Dartmoor.

6508. You say that you were removed to Dartmoor

Capt Harris.

1 July 1870.

J. D. M. S. M. S.

Dr. D. Mahony.

7 July 1870.

in consequence of that?—I do. These notes were handed in after Christmas; I think Christmas-day in that year was on Tuesday. It was in 1868, if I remember right. Between the Monday and Saturday the notes were handed in, and on the following Tuesday—whether it was the last day of the old year or the first day of the new year, I think it was the first of the new year—I was brought before Dr. Govan. It is usual there but not here, that before being put on bread and water or penal class diet, you are examined by the doctor: have you are not, unless you are going to be flogged. I was examined by Dr. Govan, and it was on that occasion he made the remark that my left lung was weak, and that I had considerable abdominal breathing. He makes no allusion to that, and that is the reason that I called attention to his abstract of the medical case sheets, which I say is no abstract at all.

6509. What extent did the notes run to?—They were considerable. I picked up the small scraps of paper that I could find anywhere—small margins. I had these concealed, and would pass them out to show the mode of treatment.

6510. (Mr. De Vere.) I wish to point out how the original notes taken by the medical officer, and laid before the Commission, will work out in the actual examination, you have stated the fact here of a conversation between you and the medical officer, which you say does not appear in what you call the medical abstract furnished to you?—Yes.

6511. In the course of your examination you will state that fact to the Commission. The Commissioners will immediately refer, not to your medical abstract, but to the original document, which will lie on the table. You may trust the Commission to look carefully to it, and to see whether your statement is well founded or not. In that way, by the combined action of your verbal statement, and of a reference to the original document, which will be before the Commission, I have no doubt a satisfactory conclusion will be arrived at?—I have no reason, Mr. De Vere, at all to doubt the attention that will be given to any case by the Commissioners. I have every reason to believe that they will give it every attention; but what I do complain of, and with great reason, is the mode in which I am not allowed to procure assistance; because I consider it of the first importance that I should know, first of all, what I was invalided from Dartmoor Prison

to this prison for. That is stated in the report. You will find that in Mr. Power's case sheet, signed by Dr. Govan. It is marked phthisis. I should say I am perfectly entitled to have that report fully filled up according to the printed headings, and to be told what I was invalided for. I think you will all agree with me, though you may not have the power to remedy it, that in that abstract nothing appears on the face of it to say how long I was spitting blood, or what my complaints, or applications, or treatment were. It is neither a history of the case, nor does it give a description of the treatment.

6512. (Chairman.) Having the document before us, we will supplement that as Mr. De Vere has clearly explained?—But I think, my lord, if I were furnished with the same amount of information relative to my case which was given by Dr. Blaker I would make no complaint; but I have not a list of medical treatment from the doctor at Millbank or this prison. The only one I do not object to is that given by Dr. Blaker, because he gives day and date, and he is satisfied to stand by his treatment. I respect the man that does that; but I do not like a man who says, "This is an abstract of his treatment," which is not. I understand, my lord, that you will let me have these materials as soon as possible.

6513. No; you will just understand, please, that whichever of those papers you have not received, and it is intended to give you, shall be given as soon as possible; but we cannot say how many of those you will have; it rests with the Secretary of State?—You see, my lord, that if they detain those papers to they did the last, and go on until Monday or Tuesday, and as there are several points to be written on, and I cannot write until I get them, it will be useless for me to promise to have the statement ready. I am suffering badly from dyspepsia, and I cannot sit a considerable time over writing.

6514. We will do what we can to expedite your being supplied with such documents as you are to receive?—The reason I make the observation, my lord, is that you should not think I had any object in coming before you on the next occasion, which will be the last, and saying I had not time to prepare a statement. I wish to tell you that the first of these were so given, some yesterday and some to-day; consequently if they are given in the same way next week, of course I cannot promise you the statement.

The prisoner withdrew.

The Commission adjourned.

3, Parliament Street, London, Friday, 8th July 1870.

PRESENT.

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BACON.
DR. LYONS.

DR. GREENSTAD.
W. SPENCER OLLIVANT, Esq., Secretary.

Capt. Du Cane.

8 July 1870.

Captain DU CANE examined.

6515. (Chairman.) Captain Du Cane, I think it would be convenient for our future proceedings if I now go through the list of the documents for which prisoners have made application, and learn from you what the views of the Government are as to the granting or withholding of each class. Prisoners have asked for the suppressed letters that have been written by them?—They shall have them without any objection.

6516. They have asked for letters or memorials written by them to the Secretary of State, to the directors, or to other officials?—They can have those.

6517. They have asked to be furnished with written complaints made against the governor or officers of the different prisons, and handed to superior authority.

They will come under the same head as the last. They can have them.

6518. Then in any case of written complaints against the governor or any officer of the prison, they can have them?—They can have them.

6519. "References to prisoners in the record books" of the governor, medical officer, or directors; entries in those books relating to them?—I do not know what he means.

6520. I presume he means the notes made in the report books on the reports?—I think it is objectionable to furnish those.

6521. Not to be furnished?—Not to be furnished to the prisoners, but to be furnished to the Commission.

6522. "Reports made by subordinate officers to the

"governor, by the governor to the directors, by the directors to the Secretary of State, and by the Secretary of State to the public, in any way relating to them." Those you will not give?—I should say not, but to the Commissioners certainly.

6523. (*Dr. Greenhouse*.) As a rule we are to have everything?—Everything.

6524. Then it is not necessary to mention that qualification in every case?—No.

6525. (*Chairman*.) Official reports and statements made by medical officers in reference to the prisoner?—Not to be given to the prisoner, I think.

6526. Reports transmitted from one prison to another as the prisoner was removed?—Not to the prisoner.

6527. The medical case sheets?—Orders have been given that the prisoner's complaint and prescriptions, such as would be known to an ordinary patient, should be given to him, as requested formerly.

6528. (*Dr. Lyons*.) There is a passage in a letter of yours that deals with that?—Yes; it was in my circular of the 2nd July. "That prisoners who apply may also be furnished by the medical officer with a statement showing the dates of admission to and discharge from hospital, and such statement of his treatment as would be made in ordinary professional practice to a patient."

6529. (*Mr. Broadbent*.) The question is, whether medical case sheets should be furnished to the prisoner. You in your reply will be able to limit any account you may give, in such terms as you may think proper. —Well, I should say that such statement as is laid down in the memorandum that was drawn up the last time I was here and embodied in my circular, would be what I should think proper.

6530. (*Dr. Lyons*.) The question arises in this way, that several prisoners have asked for full, exact copies of their medical case sheets, kept as records of their cases in the several prisons. What we want to know is, what on reference to these documents you, on the part of the authorities, are prepared to allow to be given. I think we must bear in mind that we have already before us the letter of yours of the 2nd July 1870. I put that letter back into your hands, and after that explanation ask you to define what you mean?—I should be prepared to adhere to what is

The witness withdrew.

The Commission adjourned.

Chatham Prison, Tuesday, 19th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BACON.
STEPHEN E. DE VEE, Esq.

DR. LYONS.
DR. GREENHOUSE.

Mr. WILLIAM PITT BUTTS recalled.

6543. (*Chairman*.) Mr. Butts, Captain De Cane has forwarded to the Commission a letter containing a report from you to the effect that you had furnished the prisoners all the documents asked for by them which it was decided they should receive?—Yes, all the documents that were allowed by the Secretary of State.

6546. Can you tell us what those documents were in each case? Have you the list of them?—I have, my lord.

6547. Do you now hold in your hand a list of the documents that have been so furnished?—I do, my lord.

6548. Will you be kind enough to hand it in?—Yes, my lord. (*Witness hands in a document*.)

6549. Among these documents so furnished to the prisoners, are the suppressed letters that have been written by them included?—They are, my lord.

written there; but if that is not sufficiently full in the opinion of the Commission, I should like to ask the medical officers concerned what is their opinion as to what should be given.

6551. (*Chairman*.) "Rules of the House Office relative to the release of invalid convicts"?—I think you must ask the Secretary of State if he will give that. One man has applied, but no answer has been sent. That is not in my department.

6552. (*Dr. Lyons*.) That was Power, I think?—I think it was Power, but I am not quite sure. I cannot answer.

6553. (*Chairman*.) Dates of admission to and discharge from infirmary?—That they have been ordered to be supplied with.

6554. Number and dates of letters written by the prisoners?—Does that mean written and sent out?

6555. Written and intended to be sent out, I suppose?—They may be supplied with those, so far as we know.

6556. Caption sheets?—The caption sheet is the official document which enables us to keep custody of a prisoner.

6557. I presume that that will be handed to us, and not to them?—Certainly.

6558. The report and decision of the governor or director on each complaint?—I must take the decision of the Secretary of State on that.

6559. The character that accompanies the prisoners from prison to prison?—Not to be furnished to the prisoners.

6560. Reports made by subordinate officers in prisons to the governor or director respecting the prisoner?—Not to the prisoners.

6561. Instructions received from the directors by the governor regarding the prisoner?—Not to be furnished to the prisoners.

6562. Reports made by governors to directors, and by directors to the Secretary of State?—Not to be furnished to the prisoners.

6563. Messrs. Knox and Pollock's report; we told them they would not have that?—I should ask the Secretary of State on that point. If the Commission do not request it the question drops.

6564. We told the prisoners that they would not have it?—Then the question drops.

Capt. De Cane.
19 July 1870.

Mr.
W. P. Butt.
19 July 1870.

Mr.
W. P. Denby.
10 July 1876.

officers in the prison to the governor, by the governor to the directors, by the directors to the Secretary of State to the public, in any way relating to those prisoners, have any such been supplied to them?—No, my lord.

6555. With regard to the documents to which I now refer—namely, reports against the prisoners—have you had any instructions from the directors or the Secretary of State in reference to them?—They have been furnished with copies of their reports and the decisions on them.

6556. (*Mr. Bradbick.*) The prisoners were?—The prisoners were.

6557. Have they been so supplied?—Yes.

6558. With a copy of the reports?—A copy of the reports; the crimes, and the adjudication on them.

6559. But not of any reports made by the directors to the Secretary of State about them?—No.

6560. (*Chairman.*) Then, so far as you know, they have copies of all the reports made against them in prison, and the adjudications on them by you or the directors?—They have, my lord, since they have been in prison.

6561. With regard to medical reports and statements, what have been supplied to them?—The medical officer has furnished them with reports of their cases and treatment whilst they have been in hospital under his care.

6562. A statement showing the dates of admission to and discharge from hospital, and a statement of the treatment?—I think that is what they have been furnished with, my lord.

6563. Mr. Bates, have the full case sheets and memoranda of the medical officers on each case been laid on the table for the information of the Commission?—They have been supplied to you.

6564. The dates of admission to and discharge from the infirmary they have been supplied with?—They have been supplied.

6565. (*Mr. Bradbick.*) When you say "they," I presume you mean those prisoners who have applied?—A copy of their medical cases has been supplied to the Commission, and the prisoners have also been supplied with a statement of their medical treatment, but I cannot say exactly what it is.

6566. With regard to the statements that you have just referred to, have they been supplied to each prisoner, or only to those who have applied for them?—Only to those who have applied for them.

6567. (*Chairman.*) With regard to the number and dates of letters written and intended to be sent out by the prisoners, has any such information been supplied

for by them?—They applied for their suppressed letters, and they were given to them.

6568. What has been done with regard to the caption sheets?—They have not been supplied to them.

6569. "The report and decision of the governor or director on each complaint?" does your former answer apply to that?—As far as punishment went; where they were punished by the governor or director.

6570. (*Mr. Bradbick.*) And that has been furnished not only to the Commission but to the prisoners?—Yes.

6571. Namely, Ross and O'Connell?—They certainly have had them.

6572. (*Chairman.*) Is there any document supplied that has not come under the description of any of those I have named?—I think not, my lord. I think that embraces all of them.

6573. (*Dr. Ligon.*) Are the penal records, or the "caption sheets," as you term them now, forthcoming and placed on the table for the use of the Commission?—They are.

6574. Do you hand in a return of the diets supplied to the treason-felony convicts?—Yes; that is exactly what they get during the course of the week, every day. (*Hands in a document.*)

6575. For how long have they been getting the diet recorded in this table?—I cannot say exactly. It was before I came here that the diet was altered.

6576. Can you find out the date on which that diet commenced?—Yes, that can be done.

6577. (*Dr. Greenleaf.*) I see in these sheets records of offences that the prisoners have committed. Do these sheets contain the whole record, or is there anything supplementary?—They do not furnish the evidence.

6578. Where is the evidence?—That is contained in the report sheets.

6579. (*Mr. Bradbick.*) Does this paper contain the full record of each prisoner's offence and the mode in which it is disposed of?—Yes, it is a copy.

6580. That is an exact copy of the evidence on which the punishment was awarded?—Yes.

6581. In this prison?—Yes, and I believe in the other prisons also. They have got a copy of all their reports; but I do not think the whole evidence of the reports in the other prisons is there, because we could not get it. There is no evidence from the other prisons; it is merely the crime with the punishment. The prisoner Deroy has asked me to give you this. (*Hands in a letter.*) He thinks that if you read it you will not want him.

The witness retired.

6582. The Chairman read the following letter:—

"To the Commissioners of Inquiry,

"Gentlemen, Chesham, 19th July 1876.

"I will adhere to the opinion expressed in my letter to you of the 2nd instant, that the manner of conducting your inquiry is not such as to give the prisoners a fair chance of proving the truth of their statements. I have asked the advice of my friends

"and they entirely approve of my resolution of giving no evidence before this Commission. The reasons I gave for my refusal still appear to me to be good, and I am not aware of any others sufficiently strong to justify me in adopting a different course.

"I am, Gentlemen,

"Yours very respectfully,
"JOHN DEROY."

JOHN DEROY, prisoner, read.

6583. (*Chairman.*) Deroy, when you were here before you handed in to us a paper in which you expressed your intention of not having anything to do with the Commission, and stated that that was your final resolution?—Yes, sir.

6584. We thought it right then to say, that if you changed your mind by the 19th you might have an opportunity of making any statement to us that you desired. We are now assembled again; are you prepared to hand any statement in to the Commission?—No, sir—no, my lord, I should say; but as you told me that I could communicate with my friends and ask

their advice, I consulted of the opportunity, and I found that my friends were of the same opinion as myself, and I just wrote that paper to hand to you.

6585. This is written by yourself?—Written by myself. (*Identifies his letter.*)

6586. And at your own suggestion?—Yes, anything I wrote is mine.

6587. And you wrote it without the exercise of any constraint on the part of anybody?—Yes, without any constraint on the part of anybody.

6588. And this expresses your final resolution?—Yes, my lord.

The prisoner retired.

J. Deroy.

Mr. WILLIAM P. BUTTS recalled.

6589. (Chairman.) Have you a communication to make, Mr. Butts?—Yes, my lord. Ross has just written that, and sent it to you.

The witness handed in a letter and withdrew.

6590. The Chairman read the following letter:—

"To the Commissioners of Inquiry.

"*Chatham Prison,*

"GENTLEMEN,

July 18th, 1870.

"I have not made any additional statement owing to the unsatisfactory manner in which I found myself supplied with materials. In my letter to you of June 25th, I mentioned several things that I deemed necessary to see, and of these I have got nine of twelve letters written by me, and a copy of what purports to be the prison records in my case. I regret to have to say that I do not consider this a full or a fair transcript. It cannot be copied from the original books, for I was the words of the accusations in many charges, and in nearly all I miss what the governor used to read, and sometimes need to write as my reply. This is not fair. I will ask you to use your influence to have all books where I am concerned produced; for instance, I distinctly recollect that the governor of Portland Prison read out of a book for me a charge that I was detected writing to another man's wife, and here is the way I find the charge in my copy, with my reply absent:—'6th November 5th. Having letters in his possession for the purpose of obtaining money and tobacco trafficking.' I will also ask you to call for those letters. My wife has visited me, and I intend having her as a witness to give her opinion to you as to whether those letters were written to her or the wife of another man. From the papers she laid before me, I find that Messrs. Knox and Pollock could not even afford to fire my character from this occasion. The Secretary of State knows that since you were here I applied for a copy of Messrs. Knox and Pollock's report, and he leaves my application unattended to as yet. I have been shown by my wife an official statement emanating from that honorable gentleman, and I very reluctantly say that there is something wrong in every paragraph of it. He says my letters to my wife were suppressed because

they contained falsehoods. I present to you six of these letters; one absent. I undertake to show you that they do not contain a single falsehood; and with all due respect I ask you to write the Secretary of State to be present. I submit to you four or five pointed letters, printed as for me. I write my name on each to acknowledge the authorship, and I undertake to show you that they contain no falsehood.

"I submit to you a copy of a pamphlet headed, 'Things not generally known,' and I have drawn a line outside at every paragraph regarding the matter of which I feel able to give evidence. I submit to you two memorials to the Secretary of State. The one proposing the Messrs. Knox and Pollock's inquiry contains several things which I was prepared to lay before them. The Government of the day replied that they saw nothing in my memorial to call for interference, but we have a Liberal Government now. I also submit a suppressed letter of Mr. McCarthy Downing, M.P., for Cork, and some correspondence between him and Mr. Bruce relative to my being in chains 25 days, and on this matter it would be most important that both honorable gentlemen would stand as witnesses and hear the evidence on the subject. I apprehend that you will have delays regarding books, witnesses, &c., and as my wife cannot be present at my examination, I hope that while the Commission lasts you will have no objection that I should have any assistance I can derive, by consulting with her during the hours I am discharged with you.

"I remain, Gentlemen,

"Yours very obediently,

"JEREMIAH O'DONOVAN (ROSS).

"P.S.—I desire that all witnesses at the inquiry be examined on oath. As to the suppression of my letters I will submit to you a few words on a very late case. Two months ago I wrote to my wife. The letter contained passages that were considered objectionable, and was suppressed. I re-wrote it, leaving out those passages, and the governor then told me it was all right, and would be sent, and in fact told me it was posted. I learn from my wife now that she never got such a letter."

CHARLES UNDERWOOD O'CONNELL, prisoner, recalled.

6591. (Chairman.) O'Connell, are you now prepared to write and discuss of making any statement to us?—I am not prepared, my lord. I am quite willing, if I get the proper facilities, to make a statement.

6592. We are informed that you have had all each of the documents that you have applied for, as the Government.—My lord, I have not got—

6593. You did not hear me finish. We are informed that you have had all each of the documents that you have applied for, as the Government think it right that you should have?—I have only got a few, my lord, and the most important have been withheld from me, and my objections that could be possibly devised have been thrown in my way by the Government authorities.

6594. What documents have you applied for which have not been supplied to you?—I have a copy, my lord, of the requisition that I have made for the various documents. I have been informed by the governor that those documents are in the hands of the Commission, and that I would not be allowed to have them. This is a copy of my requisition:—

"Chatham Prison,

8th July 1870.

"SIR,

"To enable me to prepare a statement of my case for the Commissioners appointed to inquire into our treatment, it is indispensably necessary that I should be furnished with copies of the official documents and records which I have already named and asked for in my application. I again to be furnished with the whole of my suppressed letters; copies of all the reports or charges made against me, and the entries—

6595. Have you not been supplied with your suppressed letters?—Part of them, my lord, not all.

6596. You mean some of the letters?—Some of them I have been supplied with, my lord, but not all.

6597. How many suppressed letters have not been supplied to you?—I cannot say, but I have got seven.

6598. How do you know that there are other suppressed letters beyond that number?—I know that I wrote more than seven letters.

6599. You cannot say how many more you wrote?—I cannot. Letters were received at the prison for me. I was told that letters had come and were suppressed.

6600. That is, letters addressed to you?—Letters addressed to me, my lord.

6601. What is the next?—Copies of all official or unofficial reports and statements, private and public, made by the medical officers, governors, directors, and members of the British Government in reference to me, including orders and instructions of the Home Office and directors of prisons in my case.

6602. With regard to the last, the Government have decided that some of them shall not be furnished to the prisoners. What under that head have you received?—I will lay before you, my lord, the only documents that I have been supplied with. This is what purports to be a copy of what they term my prison offences:—"Record of the prison offences of Charles Underwood O'Connell." It is incomplete and incorrect. I do not feel well able to read.

6603. Sit down. There is a chair.—The first one I got was what purports to be a copy from the application book.

6604. That is the application book for interviews,

C c 3

C. O.
O'Connell

Mr.
W. P. Butts.
18 July 1870.

C. D.
O'Connor.
12 July 1907.

is it?—A copy of my application, my lord, to the governor of Chatham Prison and to the director.

6603. (*Dr. Lyons*.) Do you call that Number 2?—Number 2, doctor. Have you taken notice of the first one, sir?

6604. (*Chairman*.) Yes.

6605. (*Dr. Lyons*.) The first thing you speak of were my suppressed letters?—Yes, doctor.

6606. Of which you say there are some you have not got?—

6607. (*Mr. Bradrick*.) How many have you received?—I have received seven, Mr. Bradrick.

6608. (*Dr. Lyons*.) Was your Number 2 a record of the prison offences?—Yes.

6609. Number 3 is "Copies of applications to the governor of Chatham Prison"?—Yes. I give them to you in the order in which I got them. The next are two documents that I got from the medical officer, and that is the most surprising part of the whole.

6610. What do you call them?—Well, I do not know what to call them, doctor; but for me to think single-handed of condemning any man with such a man as the medical officer of this prison, who is prepared at any moment to say or do anything to order, is more than I can accomplish.

6611. (*Chairman*.) You complain that that is an unsatisfactory and insufficient statement?—Not alone is what he has given me unsatisfactory and incomplete, but it is grossly false. You will please to recollect, gentlemen, that on a former occasion I read for you one of my suppressed letters.

6612. (*Dr. Lyons*.) Kindly name for clearness sake the medical officers' reports that you have there. Have you one, or more than one?—I have two.

6613. Of what medical officer?—Dr. Burns.

6614. Are they both from Dr. Burns?—They are both from Dr. Burns. He told me he wrote them with his own hand.

6615. (*Dr. Greenham*.) Do they refer to this prison only, or to other prisons also?—To this prison only. I have got nothing from the other prisons; nothing whatever. He gives me no date. He states in it that my diet consisted of beef tea, and when I asked him in the presence of one of my fellow-prisoners, "Doctor, how could you state that my diet was beef tea, when you gave it to me only once, for the purpose of stating that I was on beef tea?" "Oh, yes," says he, "once?" and then he runs away and comes back again, and says, "Look, I have it down but once; beef tea once; that day only." He has given me these two documents, and I very much doubt that he has given me correct copies of what the prison books will show.

6616. (*Chairman*.) We are taking down now what have been supplied to you. What else have you received?—That is all, my lord, that I have been supplied with. I have endeavored to communicate with my friends, and my letters have been suppressed. I wrote to Mr. Molloy, and the letter was suppressed, although I wrote it solely on the subject of the Commission.

6617. (*Dr. Lyons*.) How do you know that the letter was suppressed?—I was informed by the governor of the prison that the Secretary of State suppressed it, and said that the documents I wanted he did not consider necessary for me.

6618. (*Chairman*.) When did you write to Mr. Molloy?—I wrote to him, my lord, I think, some time about the 8th. The letter is here. I saw the letter in the governor's hand. It was returned.

6619. Was it returned to you?—Oh no, my lord. I saw it in the possession of the governor, and he told me that the Secretary of State had ordered it to be suppressed.

6620. (*Dr. Lyons*.) You saw it in possession of Mr. Butts?—Yes, I saw it in the possession of Mr. Butts. I saw Mr. Butts refer to it, and heard him read a part of it.

6621. (*Chairman*.) That is not one of the series letters you were supplied with?—No, my lord.

6622. Then your statement to us now is, that you are unable to make any statement of your case in consequence of not having had the whole of the documents for which you applied?—Not alone that, my lord, but I have not got anything at all like fair play to make a statement.

6623. In what way have you not had fair play?—Nothing like fair play or honest play. I asked in the first place for various documents, and in the next I require assistance.

6624. We explained to you when we were here before the opportunities you would have of obtaining assistance in making a statement before your examination. Then do I understand that, taking things as they stand, you would decline to make a statement to us now?—Well, if you do not grant me what I consider fair and proper facilities, I see no other alternative for me, my lord. The odds are against me. Here is a letter that I directed to my father on the 12th May. I read it for you on a former occasion. I make certain statements in that letter, and I am prepared solemnly to confirm on oath everything I have written in that letter.

6625. We have no power to administer an oath?—So you told me, my lord. I should tell you that after I wrote this letter—I stated in the letter that there was no hospital or hospital treatment for me. I stated what passed between the doctor and me.

6626. One moment. Are you prepared to repeat these statements and to go into the proof of them, because if you are not prepared to lay them before us formally it is hardly worth while, perhaps, to state them?—I am quite prepared and quite ready, my lord, if I got proper and reasonable fair play to do so. You will allow me in the meantime to mention that, as I told you, I wrote this letter, and I stated those facts in it, and after I had written that letter, and sent it in to the prison authorities to be forwarded, the doctor came to me and he had me weighed, and he came in and commenced to talk to me, and he seemed to know not at all what was the matter with me, although knowing it well during the last 14 months. He put on a face of perfect innocence, and pretended that he wanted to know what was the matter with me. He went away and came back again and said he would change my diet.

6627. What was the date of this?—On the 12th of May.

6628. I mean the date of the interview?—The date of the interview was about a day or two after he had written the letter. He said he would change my food and put me on infusory diet. Well, I may tell you that that change was so nominal and partial as it was possible to be. After he makes that change he goes to work and he writes this statement on the back of my letter. I am told—after two weeks, I think, I am informed that this letter is suppressed, and I ask the governor why it is suppressed, and he tells me that the doctor had denied the statements in it. "The doctor," says he, "denies something that you state on the state of your health." Now, my lord and gentlemen, when the doctor came to me after writing this letter I repeated every word that I have stated. I reminded him of all he said, and so far was he from contradicting it that he said, "Yes, yes, I was not allowed. Yes, yes," says he, "I was not allowed. I state here as."

6629. (*Dr. Lyons*.) When did he say this?—He said this to me on the 12th May; on the 12th May.

6630. I thought you implied that it was a fortnight after that, that you had this conversation with him?—No, no. A fortnight afterwards I was told that this letter was suppressed. But look, doctor, what he said on it: "This prisoner has been reported as a weak man, subject to palpitations, but he is in better health now than when he came to this prison. He has refused to take his food. The other statements are false. He is at present on special diet of his own choice."

6633. (*Chairman*.) You either intend to make a statement or you do not. It appears to me you are beginning your statement now. But I understood from you when you first came in that if you did not get documents you would not make a statement. We must have a decision one way or the other. We can give you an answer exactly as to whether you can have any fresh documents or not. Then, if you please, you can make up your mind as to whether you elect to go on or not?—Do you will, my lord, proceed in your determination not to allow me to have the

The prisoner withdrew.

Mr. WILLIAM P. BATES resumed.

6635. (*Chairman*.) The prisoner O'Connell has stated, Mr. Bates, that he has not been supplied with all the suppressed letters. How is that?—He has been supplied with all that we have got, my lord. I thought he had received all that he had asked for.

6636. How has been supplied with all that were in your control?—Certainly, my lord, and others from other persons that were sent here also.

6637. He said that he had been supplied with seven, and that he had written more?—We wrote to all the prisoners for his suppressed letters, and all that have been received have been given to him.

6638. (*Mr. Bradrick*.) I see here on this first page that four letters are stated as having been given by the governor on the 4th July 1870?—Yes.

6639. Have those been given over to O'Connell?—Yes, those were the letters in this prison; and the others are given to them as they came here. That is not arranged in any order.

6640. (*Dr. Lyons*.) Can you supply the Commission with an official statement of the number of letters that were suppressed, written for issue outside by O'Connell?—In this prison, I am.

6641. In this prison?—Decidedly.

6642. Could you do that without much delay?—They are all entered in a book. I will get the book for you.

6643. (*Mr. Bradrick*.) Would it include those that arrived for him and that have not been given to him?—Yes, the whole letters, in and out. (*Witness produces a book and points out entries to the Chairman*.)

6644. (*Chairman*.) Mr. Bates, do you produce this as a book containing, amongst other things, a record of all the suppressed letters in the case of Underwood O'Connell?—Yes, my lord, a register of letters. It contains all the letters written by prisoners and letters for them received at this prison.

6645. How many suppressed letters are recorded in this prisoner's case of those sought to be sent out by him?—There are three suppressed letters, as far as I can make out. Shall I read out the list?

6646. Yes, if you please?—Here is the whole account of his letters here. He did not write a reception letter. He was permitted to write in lieu of a reception letter. There is written against that, "Cancelled by the director."

6647. (*Mr. Bradrick*.) What date is that?—That is 18.4.69.

6648. (*Mr. De Vere*.) You may suppress a letter that has been written or cancel the leave to write it, which is meant?—I suppose it is cancelled. This is before my time. He wrote another in lieu of that, it appears, on 15.9.69. This letter was suppressed also by the Secretary of State's order. It was to Thomas Nelson Underwood.

6649. (*Dr. Lyons*.) Was it cancelled or suppressed?—Suppressed. He writes again 15.9.69, wrote on promotion to class; suppressed on director's order.

6650. (*Mr. Bradrick*.) Was that to his father?—No, that was to Mr. Underwood also. It was suppressed 25.9.69. He wrote a letter in lieu of that, 17.11.69, also to Thomas Nelson Underwood. That appears to have gone.

6651. (*Dr. Lyons*.) That was sent?—That was sent; at least it appears so from this book. He wrote

assistance of Mr. Butt or my cousin if I write for them?

6654. Yes; that is so far as to their being present within this room. The time was fixed before at which the statement was to be completed and handed in. It was mentioned to you that any person, either those gentlemen or anybody else, might come and assist you in preparing a statement before that day?—Yes, my lord. I have communicated with Mr. Butt and Mr. Underwood, and they have refused to have anything to do with the Commission, except on certain conditions.

again 15.9.70, to his father; that was suppressed by the director's order. He wrote again, by the Secretary of State's permission, to Mr. Mosley, United States minister, which was forwarded.

6652. What was the date of that?—16.9.70.

6653. (*Chairman*.) That was June?—That was June, my lord.

6654. (*Dr. Lyons*.) That was sent out?—That was sent out; and he wrote to Mr. Butt on the 1st July 1870, which was forwarded. He wrote to Mr. Underwood on the 3rd July 1870, which was forwarded, and he wrote to Mr. Mosley on the 7th July 1870, which was suppressed. The letter he has not got. It was written whilst the inquiry was going on.

6655. (*Chairman*.) By whose order was the letter to Mr. Mosley suppressed?—By order of the Secretary of State.

6656. (*Dr. Lyons*.) What was the date of the one to Mr. Mosley?—The 7th July.

6657. (*Chairman*.) How many does that show to have been suppressed altogether?—All that he has got are down there, and the different dates.

6658. (*Mr. De Vere*.) Was there any communication made to him as to the reason why the letter to Mr. Mosley was suppressed?—Yes, I sent for him and told him that the Secretary of State refused to forward it.

6659. (*Dr. Lyons*.) Why was it suppressed?—I can give you a copy of the Secretary of State's letter. I can give you the reasons that were given to me, if you allow me to get the letter. I read the order for the letter being suppressed to him.

6660. (*Mr. De Vere*.) Did you state any reason to him for the suppression of the letter, or simply made the order?—I simply read the letter. I made no comment on it.

6661. (*Dr. Lyons*.) Is that suppressed letter amongst those that have been furnished to him?—No, he has not got it.

6662. Why has it not been given to him?—Because it is not one of those that he asked for. He asked for the letters written previously to the sitting of the Commission.

6663. (*Chairman*.) In point of fact he has had all the suppressed letters for which he asked?—As far as I have been able to get them, certainly.

6664. (*Mr. Bradrick*.) In what form did he ask for them?—Well, I think he put it on paper. There are so many things that they come up to see me about. I always put down the interview, stating what they want, and it is carried out.

6665. (*Dr. Lyons*.) He has been in several prisons—Pentonville, Portland, Millbank; and it is possible that he may have written in these some letters which he has not been supplied with?—We wrote to all the prisoners where this prisoner has been, and asked them to forward any suppressed letters they might have of his, which was done.

6666. Does that book in your hand contain a record of all his suppressed letters?—No; only those in this prison.

6667. (*Chairman*.) Communications have been addressed to the other prisoners for the purpose of receiving any suppressed letters of his that might be there?—They have, my lord.

C. C.
O'Connell
19 July 1870.

Mr.
W. P. Bates

Mr.
W. P. Butt.
12 July 1870.

6658. Have the letters which have come for him been given to him?—Those have not been given to him; that is, any that have been suppressed.

The witness withdrew.

CHARLES UNDERWOOD O'CONNELL, prisoner, recalled.

6659. (Chairman.) O'Connell, the Commissioners instruct me to inform you as follows:—That with regard to the papers for which you have asked, you have already received all the documents which the authorities will allow you to have; that your second letter to Mr. Montley, the United States minister, dated July 7th, was suppressed by order of the Secretary of State, and with that decision we cannot interfere; that we do not recognise what you have said as to the insecurity of the medical returns as sufficient ground for not making your statement, nor will we inquire into it in that respect, but that if you wish:—Pardon me, my lord; may I interrupt you. I did not give that as my reason at all; I only gave it as one of the reasons.

6671. We say that we will not inquire into that statement, but that if you wish to proceed with your allegations as regards the doctor's returns as a part of your general complaint—you understand the distinction—we will now proceed to inquire fully into it; and we have before us documents which have not been supplied to you, which will assist us in so doing. At the same time I am bound to tell you also that you must make up your mind on these intimations as to whether you will or will not lay before us a general statement of complaints, and that your decision on that to-day must be considered as final?—Yes, my lord. Well, when you answer me one question, my lord, I think I will be ready to give you a final answer as to the course that I intend to pursue. Do you adhere, sir, to your resolve not to allow me the assistance of a friend—Mr. Butt or Mr. Underwood—to act for me before your Commission?

6672. Yes?—You do, sir, refuse?

6673. Yes.

6674. (Dr. Greenleaf.) You were told that distinctly several times.

6675. (Dr. Lyons.) In what capacity do you want them to act for you?—To assist me in making out a statement of my case to lay before you, and then to act for me before this Commission, on my proving the allegations that I make in the statement.

6676. In what way to act?—To act for me, doctor.

6677. (Chairman.) To be present in this room?—Yes, my lord.

6678. (Dr. Lyons.) Do you mean to be present as counsel?—To be present as a friend to me—to act for me.

(The Commissioners briefly deliberated.)

6679. (Chairman.) You have asked me two questions, and I will answer both. You have asked me first, whether you would be allowed assistance for the preparation of a statement after this day. The answer that I must give you to that is, that ample time has been already given, that you have had an opportunity of receiving advice and assistance in preparing your statement before this day, and that we can give no further time. You asked me, secondly, whether Mr. Butt or any friend of yours could be present in the room during your examination, and to that I am bound to tell you, as we have already said in public more than once, and as probably has been conveyed to you before, that that will not be permitted. These are the two questions that you have put to me, and these are the answers?—Well, my lord, I was promised certain facilities. I was told that I could communicate and write to any friend on the subject of the inquiry. I applied to the prison authorities here for permission to write to Mr. McMahon, M.P., on the subject of the Commission. I asked on the 9th instant, and I went up again on the 11th. The deputy-governor told me that he had ordered me the paper to write subject to the governor's approval. I never have been furnished

6659. (Dr. Lyons.) None of these have been given to him?—No; they were not asked for, and we had no authority to give them.

Since with the paper, although I made two applications for it to write to Mr. McMahon.

6680. Well, what is your decision?—Well, my lord, as I understand that I can have no assistance—not the assistance of a friend to act for me before the Commission?

6681. No?—Well, my lord, I see nothing for me then but to read, with your permission and the permission of the other gentlemen of the Commission, this document.

6682. Does that document contain your answer?—It does, my lord; my final answer.

“*Chatham Prison, 19th July 1870.*”

“To the Commissioners appointed to inquire into
“the treatment of treason-felony prisoners con-
“fined in English prisons.”

“GENTLEMEN,”

“When I was officially notified, on the 26th ult., that a Commission was appointed by the Government to inquire into our treatment, I thought I saw in that fact a sign of an intention on the part of the Government to give way to the ordinary rules of justice and fair play. I was told that every facility would be given to me to prepare a statement of my treatment to lay before the Commissioners, and prove the truth of the same. This was what I had desired for a long time, and I rejoiced accordingly. My attorney serves me right, Judge Keogh, in proving sentence on me, and that the object of consigning me to penal servitude was not so much to punish me as to deter others; but I find that to punish me in the fullest manner and at the same time hide it from the world by every possible artifice is the whole aim and object of the British Government. This is why I wish to make my treatment known to the public. I accede to willingly complain of it. For years I have been systematically done to death, at the same time that reports relating to my health—”

6683. Go out a moment.—(The prisoner withdrew, and was after some delay admitted.)

6684. You can go on, O'Connell?—This is why I wish to make my treatment known to the public. I accede to willingly complain of it. For years I have been systematically done to death, at the same time that reports relating to my health and character, of a most ungrateful nature, were put before my friends and the public. Any opportunity that I could get to set myself right with my friends in the outside world would be to me a welcome boon, and I declare that I hailed the appointment of a Commission of inquiry with very great satisfaction. I have not only been misrepresented in various ways, in official reports and statements, but subject to a line of exceptional treatment, carelessly designed to break down my health and reduce me to an early grave. The facts relating to all this I intended to put on paper and lay before you, with proofs that must convince you of their truth. I availed myself of the permission given to write to Mr. Isaac Butt, Q.C., and to my relative, Mr. Thomas Neilson Underwood, barrister-at-law, to represent me before the Commission, and I regret to learn from them that they were refused by the Commissioners the right to be present to act for the prisoners. The Chairman of the Commission informed me on the 4th instant that no representative would be allowed to be present at the investigation and none of the witnesses be examined under the obligation of an oath. These were startling disclosures. What could be the object of holding an inquiry with closed doors, if the facts to be elicited were to be published? If truth was the object of the inquiry,

" why not impose the usual obligations on the witnesses, and subject them to a cross-examination by a competent legal gentleman? There are questions that struck me at once and set me a-thinking. I asked for various documents to enable me to prepare my statement. A few only have been given, the most important withheld, and every obstacle that could be devised thrown in my way by the State authorities. The state of my health is such that I required assistance in making my statement, and more particularly in the conduct of the inquiry before the Commissioners. My friends, who know the purposes of the Government in appointing the Commission, refuse to assist me unless allowed the usual facilities given in such cases. This the Government and the Commissioners refuse, and by doing so prove that my friends are right in having nothing to do with what can appear in no other light than a State show. The whole conduct of the authorities towards myself and companions since the appointment of the Commission betrays a strong desire on the part of the Government to hide rather than develop the truth. Taking, then, into account the fact that the Commission is to act in secret, that witnesses are not to be examined on oath, that only so much of the evidence of the report will be published as the Government may desire, that I will not be allowed any assistance during the inquiry, and that it is the

" evident purpose of the authorities to load down my statement with official falsehoods, without giving me the opportunity of drawing out the truth by evidence and cross-examination, I cannot consent to make any statement to the Commissioners. Whenever an open inquiry shall be instituted, where the proper facilities shall be afforded me to prepare a statement and prove the allegations it contains, I shall be ready to make a statement to the public that will convict the British authorities of the most vindictive and exceptional cruelties and deliberate falsehoods towards me. Looking upon this Commission as an institution purposely got up to whitewash the falsehoods of the public officials, I decline to have anything whatsoever to do with it. I consider the Government, who no doubt feel they cannot afford a fair and impartial inquiry, wholly to blame for the state of things which comes me to take this course, and I sincerely hope that you, gentlemen, will not for a moment think that I intend anything personally offensive to any one of you.

" I am, Gentlemen,

" Very respectfully,

" CHARLES UNDERWOOD O'CONNELL."

6685. (*Mr. Dr. Burns.*) Do you want to hand that in?—I wish to hand that in. (*Handed in the paper he had read.*)

6686. (*Chairman.*) You can withdraw, then, if you please.

The prisoner withdrew.

Dr. Burns recalled.

6687. (*Chairman.*) Dr. Burns, you have prepared a certain paper with the view of its being given to the prisoner O'Connell, I think?—I am not aware, my lord, of the paper you refer to.

6688. Did you not prepare a short paper containing a statement of the treatment to which O'Connell was subjected?—I did, my lord; I did so.

6689. Have you a copy of that paper?—I have not. I gave it to him.

6690. You gave it to him. From what he has said, I must ask you, is it in your judgment a correct statement of the treatment which you thought fit to subject him to?—Certainly, my lord. You have a full statement before you that I have already given in. This is merely an abstract.

6691. Then that in your judgment is a correct abstract of the fuller statement that we have, showing the medical treatment that he received?—It is so.

6692. When did he first come under your care?—You are in possession of the paper. (*Witness is handed the paper.*) This is a daily statement, my lord.

6693. When did he first come under your care?—On the 12th of May.

6694. (*Dr. Greenough.*) In what year?—The year '70; this year.

6695. (*Chairman.*) Will you be good enough to state what your report on him was on that day?—Probably it may be in one of these letters. All the letters are copied. (*Selects a letter out of a bundle.*) There is a report on the 9th of May, three days previously, to the governor of the prison.

6696. A report from whom?—From myself. I have reported to the governor of the prison three days previously to his entering the infirmary; to the governor respecting his state of health.

6697. What did you report?—This was what I reported:—"In compliance with your request, I have this day examined prisoner 214, Charles O'Connell, and found him complaining of loss of appetite, but he is in his usual state of health. I have weighed him, and found that he has lost one pound. This may be attributed to his having returned to-day two pounds four ounces of bread."

6698. Then you have had him under your care before that time?—I see them every day whenever they complain, and always once a week every one,

without they complain. You directed me to have certain reports copied, and this I have, I find.

6699. (*Mr. Dr. Fere.*) Is the original of this now on the Commissioners' table, Dr. Burns?—I do not know where the original of this can be; I have sent it away, you see, to the governor. It goes from me to the governor on that date.

6700. (*Dr. Greenough.*) Is that a certified copy?—I am prepared to certify it. It is copied from my letter book.

6701. (*Mr. Dr. Fere.*) You hand this in as a copy of your report?—I do. (*Witness hands it in.*)

6702. (*Chairman.*) Did you, on the 12th of May make any alteration in his diet?—On the 12th of May I did, my lord, I put him on hospital diet.

6703. Did you include beef tea?—You must understand, my lord, when they come into hospital they are not vaccinated in the hospital on the day that they come in, so that they have only the prison diet on that day. He had already been supplied with the day's provisions, I did not wish him to eat that, and I gave him beef tea for that day only.

6704. For that day only?—For that day only.

6705. That was in addition to his ordinary diet?—That was in addition to his ordinary diet.

6706. Subsequently he was on hospital diet?—Then he went on to peaking diet; hospital diet from that day.

6707. How long did he remain on hospital diet?—He was discharged from hospital and hospital diet on the 9th of June.

6708. When did he come into hospital again?—I do not think he has been in hospital since then. He has only been in hospital once, my lord.

6709. Only once in hospital?—Once, yes.

6710. Then he has been on ordinary prison diet since?—He has been on ordinary prison diet from the 9th of June, my lord.

6711. (*Dr. Greenough.*) Do you recollect how long O'Connell has been in this prison?—I can tell you in a moment, if you will allow me to look at this caption sheet. (*Commits a document.*) He arrived at this prison on the 13th of March, 1869.

6712. Has he never been in hospital since his arrival here in March '69 until the 12th of May of this year?—Never.

6713. You have not considered him during that period as requiring medical attendance?—I have not.

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6714. You examined him when he came to this prison, I suppose?—I did.

6715. Did you find that he had any disease at that time?—I found palpitation. I think it is marked. He is a delicate man.

6716. Did you, when he came here, and you found as you say palpitation, make up your own mind as to what was the cause of the palpitation?—I did.

6717. What did you consider to be the cause of it?—I examined him most carefully, and found that it was owing, as far as I could judge, to irritability of constitution, natural irritability of constitution—of temperament.

6718. Is it in your knowledge that he suffers habitually from palpitation?—He does.

6719. Is he suffering from it to-day?—No; I have visited him, and he has not had any at all.

6720. Have you examined his chest stethoscopically?—I have.

6721. And you found no disease of the heart?—He has no heart, acco.

6722. Have you read the reports which have been sent from Portland and Pentonville with him with regard to his disease?—I really cannot tell. There are so many of these papers, I cannot single out that one.

6723. I see it included in his medical history that at Pentonville there was a note made "condition at present, slight aortic disease," with a query to it?—Yes; it was so that account that I examined his chest.

6724. You do not agree with that?—I do not, I think it was owing to a little irritability, owing to an irritability of habit.

6725. Is it within your medical experience that persons are subject to palpitation for as long as a year from mere irritability of constitution?—I have drawn my conclusions from examination; sometimes I found none whatever. I have on two or three occasions found none whatever.

6726. This man's weight was, I see, on the 25th of May 1893, 134 pounds. Do you know if that was the case?—It was.

6727. Is it during the twelve months between the 25th of May 1893, and the 12th of May in the present year, to 119 pounds?—It did.

6728. What do you consider to have been the cause of that diminution in his weight?—Abstinence from food.

6729. Do you know as a fact that he was abstaining from food during the greater part of that year?—He was.

6730. Do you think that abstinence from food was intentional on his part, or that it was due to deficiency of appetite?—My opinion is that it was intentional, because it occurred after interviews took place with the prisoner.

6731. To what interviews do you refer?—Two gentlemen came here to see him. I think Mr. Moore and another gentleman at that time, and immediately after that he abstained from food, and he had been going on very well before that, and in fact to-day he is in exactly the same way, refusing his food.

6732. Have you looked to the weight of this prisoner from time to time?—I have.

6733. I observe that his weight had varied greatly; that at one time it was 139 pounds, on another occasion 124 pounds; that when he came here it was 129 pounds, and that at one period here it was 119 pounds. Is he fluctuated very much, indeed?—

6734. Do you think that those great fluctuations would be accounted for by his abstinence from food?—It certainly would, because on all those occasions he has abstained from his food.

6735. Besides examining the condition of the heart, have you examined the other organs, the kidneys, for example?—I have.

6736. And you have found no symptoms to account for waste?—None whatever.

6737. There was no albumen in the urine?—I have not examined the urine. My attention was not called to it.

6738. You are not aware of any waste going on through the urine?—I should think not, because he did not make any reference to the subject. I thought it sufficiently accounted for by his abstinence from food.

6739. You do not think it necessary when a prisoner is found to be losing weight considerably, to investigate further as to the possibility of there being a waste in the way I have referred to?—I always do, when my attention is called to the particular point.

6740. In this case you have not done so?—In this case there was no attention called to it. It was not suspected one moment, and he has never complained of any urinary disease. If he had any reason it is the very thing he would do, to complain of it.

6741. Have you observed that this man's weight has increased after he has resumed taking his food?—I have.

6742. Can you point to any particular period when, having previously abstained from taking food, he has again commenced to take food, and his weight has increased?—Yes; I think you will find, that directly he came into hospital his weight increased. The 12th of May, may I ask what the weight was?

6743. One hundred and nineteen pounds. On the 10th of May it was 123 pounds?—He came into hospital on the 12th of May, and I weighed him on the 22d, when his weight was 125 pounds.

6744. What according to that return was his weight on the 12th of May?—119 pounds.

6745. What was it on the 10th?—It is not here. I do not think he was weighed on the 10th.

6746. Is it in your report,—I have the report of his stoppage in diet every day.

6747. I see in this report that on the date, 11th May, O'Connell's weight is stated to have been 121 pounds, and on the 12th of May, 119 pounds?—Exactly, sir; that is the day he came into hospital.

6748. And he lost two pounds in one day?—Yes; he lost it before I took him in; that is the reason I took him in. I found the decrease so rapid that I took him in on the 12th.

6749. What did he complain of when he came into hospital; what did he assign as his ailment?—I have stated here.

6750. I am asking you rather what he complained of himself?—I have not noted, for he made no particular complaint. My attention was called to his nervous temperament and palpitation. He only complained of that and was looking very weak and faint, and he remarked this, and I took him in for that, but there was no disease.

6751. He complained of no symptoms of illness?—No symptoms of illness whatever. I am not aware that it was at his own request or anything of that kind that I took him into hospital. I took him in at my own suggestion. In fact I made the remark, "he appears in his usual health."

6752. (Mr. De Vere.) If he complained of no symptoms of disease, Dr. Burns, how did you know that he had palpitation?—Because I had been in the habit of examining from his first entry into the prison. I knew he was subject to palpitation occasionally.

6753. He did not, you say, complain of palpitation?—He did not complain of it at that time.

6754. You do not think it necessary to make any inquiry into the cause of the diminution of strength and loss in weight which you observe, unless the patient himself complains to you of the existence of disease?—Oh yes, if my attention was called. Whenever a patient in the prison returns his food, does not take the quantity of food that is given to him, a report is made to me daily of the circumstance; and in his case a report was sent in every day of his having returned his food, and my attention was called to him on that account.

6755. I think you stated in answer to Dr. Greenhow that you have not inquired into the existence of any kidney complaint?—I did not inquire.

6756. And I think you also stated that your reason

for so doing was, that he had not stated to you his belief in the existence of any disease?—My attention was never called to it by him, or any symptoms that he gave.

6757. Did you, Dr. Burns, in that abstract of a medical case sheet that was furnished to him for the purpose of his statement here represent that when coming into hospital he had been put upon beef tea diet?—I did.

6758. Was that true?—That he had it?

6759. That he was put upon beef tea diet?—No, not beef tea diet. He had beef tea in addition to the diet for the day, but he was not put on beef tea diet at all. There is not such a diet in the hospital as beef tea diet.

6760. Did you state in the first paper that you had before him, that he was put upon beef tea, and did you afterwards amend that by saying "for one day only"?—I know it was on his ticket for one day only, and I know that I have merely copied what was put here. It is in this ticket also. I presume that this is a copy from the original, which original I can show you.

6761. I wish to press my question, whether you stated in the first instance that he was put upon beef tea, and whether upon his remarking so you that that beef tea was for one day only, you then corrected your statement by stating it was for one day only?—I corrected no statement whatever, nor did I put him on beef tea diet. His wish was to go on pudding diet, and I thought on that day because he had not half his dinner, I should give him beef tea to make up for the deficiency he had in the cells. He asked for pudding diet, which he was placed on at once. Had he been put on beef tea diet he would have been put on half diet, meat and beef tea; half a pound of beef made into beef tea.

6762. After receiving your abstract, did he make any remark to you about the beef tea having been given to him only one day?—Lately he did, about a fortnight ago. I gave him a paper stating briefly, "You have been on half diet, low diet, and beef tea," and he said "That looks as if I had all three together," so I said, "I will give it to you separately if you like." I furnished him with a copy of the ticket in the hospital, which shows exactly beef tea that day, and the next day pudding diet. He is in possession of it at this moment.

6763. Did he remark to you on that occasion that the first report was calculated to mislead?—He made no remark to me on the subject until about a week ago. I think it was about a week ago. On giving him this he said, "This looks as if I had all three together, whereas I had that only a day." I do not know that it looked in the paper as if it was for the day only.

6764. Would a person reading your first entry of "beef-tea" have been under the impression that he continued in the reception of beef tea whilst he was in hospital?—No, he would not.

6765. Would a person reading that entry which you gave in that first page be under the impression that beef tea was only for one day?—I do not think they might understand it. It might be understood by him, but if you take it up—it was merely to let him know what he had. I did not know what was the object he wanted to arrive at. I merely put down that he had beef tea and certain things at the hospital, not saying how long he had it. When he came into the hospital he went on pudding diet, and he could not get it that day because there was no impossibility of making it.

6766. To what do you attribute the extraordinarily intense shivering and shaking so evident in him?—I think he is naturally of an irritable temperament—an exceedingly nervous, irritable man. I think very little puts him about. He has a sort of paralysis of the nervous paralysis of the head occasionally, after speaking.

6767. Do those symptoms appear indicative of any organic disease?—Well, I was led to believe from the report that came with him on reception, that he might

have some disease of the chest, and I examined him for that purpose; but I do not think he has any organic disease of the heart, even at this moment; even within the last fortnight I felt his pulse, and there was no palpitation whatever.

6768. Have you regulated his discipline, his work, or his diet whilst he has been in this prison with reference to the possible existence of organic disease?—Whilst he is in prison I do not regulate his diet at all. He has a larger amount of food than is probably necessary for him; in fact he has more than he can consume, and I think that his abstinence from it is more than is doing good; but while he is away from me, and not under medical treatment in the infirmary, I have no authority for stopping any portion of his food.

6769. Have you any authority to regulate his exercise, either as to the rapidity with which he does it, or the duration?—None.

6770. If you thought that a man was suffering from chronic disease of the heart, and that the exercise taken in the yard was too quick for him, or in any way unsuitable for him, would it not be your duty to interfere?—I should put him in the infirmary. I should not allow him to work at all.

6771. Is it not your duty to interfere in the regulation of the exercise, with a view to the health of the prisoners?—I do not interfere in any way whatever with the prisoners unless they are in the infirmary; unless I take them away from their work altogether and put them in the infirmary, or to what you call "light labour," which is a lighter description of work—breaking stones, mending stockings, and so on.

6772. (Chairman.) What in point of fact was the labour that this man was put to? At what period?

6773. On his arrival here?—I believe he does nothing at all but goes through the form of mending stockings; but instead of exercising most of the time, he goes away and does not take exercise. None of them take the exercise they should. They do not avail themselves of the opportunities of taking exercise.

6774. (Mr. De Fero.) Has O'Connell ever done any work outside?—No, never.

6775. Should you think it right to put him to work outside?—If he was another prisoner.

6776. I ask the question in reference to his health?—I should put him on light labour.

6777. Why should you put him on light labour?—Because I do not think him capable of doing the heavy labour of this establishment.

6778. What is organically wrong that would prevent him from performing that labour?—I think he is a delicate man, not a strong man, not a man able to bear it. His physical temperament would not stand the heavy work that we have for the prisoners.

6779. (Dr. Lyons.) I would think it very important, Dr. Burns, that you would furnish the Commission with a copy of the return that you made to the prisoner O'Connell?—What two returns?

6780. You made to the prisoner at his request two returns which I cannot very specially define for you, but which he has in his possession?—I do not know that I have the papers of O'Connell here.

6781. I should like to get them now. It would not take five minutes. I mean exact copies of the papers that the prisoner has?—We can have a copy. Would you like to see the reports every morning? I have reports every morning when they do return any provisions.

6782. Yes, I think I asked you that the last day?—Yes.

6783. What is the ordinary rate of O'Connell's pulse?—Well, I do not know that I have made any record of it.

6784. Have you at any time made any entries of the rate of his pulse, at periods when the patient was in a state of quiescence?—I have not.

6785. Have you ever made any entries of the rate of the pulse when the heart was excited and he was complaining of palpitation?—No, I have not. It

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was extraordinarily frequent. Palpitation is a very common complaint with prisoners.

6786. You are now speaking only from memory?—I am only speaking from memory. That paper is the only record I keep. (*Exhibiting an hospital sheet.*)

6787. Having in view the journey of the Pontonville return of this prisoner, which points to at least a possible condition of organic disease, I wish to ascertain from you if you have made any inquiries as to the rate of the pulse at any periods when he was in his ordinary habits, and when he was subject to palpitation?—I have made no other enquiries than those you see in that paper. His pulse had never been complained of by him; it has never been the subject of complaint. I do not think he ever complained of palpitation. I do not think he ever mentioned that as his complaint. I found that myself.

6788. During the period in which you observed him from time to time losing weight, did you make any observations with regard to the rate of his pulse?—I made the remark to him that his pulse was getting weak.

6789. Did you record it as weak?—The whole of what I have recorded is in that hospital return that I have given to you.

6790. Do you wish to return it to you to enable you to say if you did or did not record the state of his pulse?—If you please. (*Witness is handed the return.*) He complained of weakness in the left breast.

6791. I am asking you now particularly with regard to the rate of his pulse?—It is not recorded. His pulse is not recorded there.

6792. Then the records of this institution do not show any entry of the state of this prisoner's pulse at any period?—They do not.

6793. Was there anything evidencing any state of dyspepsia or febrile excitement, during the time that you noticed him to be losing weight?—Slight.

6794. Slight?—Very slight.

6795. In what respect?—Dryness of the skin and flushed face. He got flushing of the face. His face is naturally flushed, but the expression of his face indicated it.

6796. You observed a certain amount of habitual flush about him, with heat and dryness of his skin?—Heat and dryness of his skin; yes.

6797. Did you think that his refusing to take his food was in consequence of this pyrexial condition?—I did not think it was. I think it was induced by his refusing food. That was my opinion at the time.

6798. Did you examine in any way, by ordinary observation or by any mode of chemical testing, the condition of his urine at that time?—I did not.

6799. Did you happen to see it at any time during that period?—I did not.

6800. Are you aware whether there was any diarrhoea present during the period that he has been losing weight?—There was none.

6801. Doctor Greenhow asked you whether you observed any loss by althamen that could account for his losing weight?—There was no reference whatever made to the state of his urinary secretion.

6802. You are aware, of course, that in many instances an extensive drain of urea is a cause of loss of weight. Did you observe that about him?—No, I did not.

6803. Did you look for loss by althamen or urea in any way?—I did not.

6804. Did you, in any manner, try to test how it was that weight was lost by this prisoner?—I thought it sufficiently accounted for by his abstinence from food.

6805. What is the character of the palpitation which you have observed present from time to time?—There is an irritative state of the heart, I think induced from habit. I think he has had it for a very long time, and there is no break at all.

6806. Could you give me any idea of what the

character of the palpitation was?—I think it is more nervous excitability.

6807. I mean physical character. Is there excessively rapid action?—No, it is a very slight palpitation, which is common amongst prisoners.

6808. Was there any irregularity of the cardiac action?—No.

6809. Or any intensity of the beats?—No, the beats are regular so far. There is great irritability of the heart, which is induced frequently by close confinement in prison—a nervous irritability.

6810. Was there any visible action of the carotid or radial arteries?—None. There was no swelling or enlargement of any of the vessels.

6811. What treatment did you adopt for this palpitation?—The treatment adopted was, I put him on better diet.

6812. You put him on better diet?—Yes; took him off; he would not take food of any kind. I put him on infusorial diet to which he adhered strictly at once.

6813. Did you think that he was malingering or shamming?—I thought he was.

6814. That was your impression?—That was my impression.

6815. What mode did you adopt professionally of testing whether the prisoner was malingering or not?—I put him on the diet which he required, and watched whether he ate it, and he took to it at once.

6816. That is, you improved his food?—I improved his food.

6817. Did you not make any medical observation to ascertain whether he was shamming or not?—Yes, I did. I was satisfied. He ate the food, and seeing him improve, I thought that enough.

6818. Would you think if a man with dyspeptic symptoms got better on more antiseptic food and ate it, that that was conclusive evidence that he had been shamming?—It was not conclusive evidence, and for that reason I kept him longer in the hospital, to watch the prisoner.

6819. I want to know whether on watching the prisoner you made any medical observations by which the opinion that he was malingering was substantiated?—I think it was substantiated.

6820. By what was it substantiated?—Because he is a very dissipated man, and because afterwards he got dissatisfied with the very diet that he had chosen.

6821. That is not an uncommon thing with respect to dyspeptic patients?—It is not uncommon.

6822. I think not. Have you observed the nervous tremor that he has exhibited from time to time?—I have.

6823. Is it ordinarily as excessive as we have observed it in this case?—I do not know.

6824. Is there a great tremor about his head and hands?—No, not always, but whenever he begins to speak and gets excited this comes on at once, and his head moves, there is an agitated appearance of his body.

6825. You have stated that his mind was unsettled?—Yes, probably. I wrote those things off hand, and might not consider that sufficient if I were writing a legal document, but the impression from that, in my mind, that he was thinking of his affairs, and was excited by having spoken to some friend here.

6826. Did you mean to imply by this record that his reason was involved?—No, not in the least. Those notes are for my own observation.

6827. I quite understand. Do you think him now fit for any of the ordinary work carried on in this prison?—He is not fit for the ordinary labour of the prison.

6828. But is he fit for any of the ordinary work in this prison?—Yes, I think he is.

6829. For what work is he fit?—Some breaking or coal picking; stone breaking, I should say.

6830. In the document furnished to the prisoner, which I now hold in my hand, under the date of May the 12th and the 9th of June, it is stated that his diet

consisted of beef tea and pudding diet, half pint, &c. Does that purport to represent strictly accurately a record of the prison diet?—It represents a copy from the column of the diet. That is a document I gave him, and he comprised of the half pint; he said, "It looks as if I was supplied with all these things together."

6831. If I were to read that and to take up the impression that he was constantly getting beef-tee, would I have an erroneous impression?—You would.

6832. This appears to be a supplementary document?—Excuse me, that is the original document, it is the document that was hanging at the head of his bed the whole time.

6833. I find it stated in this document that his diet consisted of beef tea, pudding, &c. I find it stated on May the 12th that the diet was "beef-tee one pint, to-day only." Does that mean that in the whole period between May the 12th and June the 9th he got beef-tee only one day?—It means that on the 12th he had beef-tee, a pint only, and next morning he was placed on pudding diet.

6834. Does it mean that in the whole interval between May the 12th and June the 9th he got beef-tee one day only?—He never had it but one day.

6835. The day of admission?—The day of admission.

6836. Is the statement in the other document incorrect respecting the diet, for it states that his diet consisted of beef-tee?—The representation is quite correct, inasmuch as I thought what he wanted to know was what were the articles he partook of while he was in hospital, and beef-tee was one of them; but he could not partake of full diet, low diet and half diet altogether as it is mentioned there.

6837. "His diet consisted of beef tea, pudding a diet, with one pint of milk, in lieu of tea at breakfast," afterwards two plates in lieu of tea at breakfast and "supper, and meat mutch." That appears to be the whole entry in reference to his diet. I asked you, Dr. Burns, if I took up the impression upon reading that paper, that he was constantly getting beef-tee while he was in hospital, would I take up an erroneous impression?—You would, because at the head is the name of the diet, and below the additions to it—pudding diet.

6838. (Mr. Dr. Burns.) I see, Dr. Burns, where the change was made, you say, "Pudding diet, half pint," with half a pint of milk in lieu of tea at breakfast, "and afterwards two plates in lieu of tea at breakfast and supper." Then when a change was made you put in the word "afterwards." "Afterwards" means after change of diet, does it not?—No, he had a pint of it to begin with, and he liked it, so it was increased.

6839. Then there was a change of diet?—There was, on the 14th.

6840. Then why, when the beef-tee was discontinued on the 14th, did you not put in "afterwards, pudding diet" as you did in the second instance?—Because on the 14th he goes on half diet, and this half diet is not with soup—he had it meat. This will come on until the diet is changed again. He stops on half diet the whole time he is in.

6841. It was change of diet from beef-tee to pudding diet?—No sir, it was not. He never entered on any diet scale until the second day in the hospital.

6842. He got a different kind of food the first day from that on the second?—He had; because he had the beef-tee to compensate the first day for the loss of food he could not take in the separate class. He had abstained from food there.

6843. If he got beef-tee the first day, and you having made a change the second day, put him on other food, why did you not insert the word "afterwards" as you did subsequently?—It was only changing his diet from one thing to another. Well, on the 13th he was on this pudding diet and did not like it, so that the next day I gave him this half diet again, and it is marked here.

6844. (Chairman.) The question is, why did you not put in the word "afterwards" as you did in the

other instance?—I thought it would; perhaps I made a mistake. He had only one pint of milk a day first, but afterwards he had two pints.

6845. (Dr. Greenhow.) You mean that he had one pint of milk for breakfast instead of tea, and that when you found he liked the milk you afterwards gave him two pints in a day instead of tea. The word afterwards referred only to the milk?—Only to the milk.

6846. (Dr. Lyons.) I asked you the last day, Dr. Burns, to put in a return of the conditions on which the prisoner O'Connell returned food. Have you done so?—I have. He began to return food as early as the 16th August.

6847. Of last year?—Yes (Witness heads in a dejected way).

6848. Are those the returns which you hold in your hand, showing the food which has been supplied to him and which he has not consumed?—These are returns sent to me in the mornings respecting this prisoner daily.

6849. Could you get made an abstract from these returns, which are too voluminous in their present shape, of the pounds and ounces of food that he returned?—I can. I can give it to you any day on which you return to this.

6850. I wish for a return in full of the full amount of food he returned since he began?—I will try and get it made for you. I think a long time he took his food.

6851. I wish to see in tabular form and according to dates the occasions on which he returned food, with the amount and kind of food that he returned. It can easily be drawn up in tabular form from those papers in your hand?—I could supply it.

6852. You will be good enough to supply it in tabular form?—Yes.

6853. (Chairman.) I think you told me before, Dr. Burns, that it is not the practice to weigh patients periodically here?—We weigh them when they come into the prison, and if I see any reason to do so they are weighed again.

6854. They are not weighed as a matter of course here periodically?—They are not.

6855. Are you aware that it is done in any prison?—I am not aware that it is done so.

6856. (Dr. Greenhow.) Did I understand you to say that the prisoners are not put on hospital diet on the day of their admission to hospital?—There is a scale of diets on purpose, and we put them on a reduced diet.

6857. Please to answer my question. Are prisoners put on hospital diet on the day of their admission into hospital?—No, they are not.

6858. But this man on his admission into hospital on the 12th of May had one pint of beef-tee ordered for him?—He had.

6859. For what reason?—Because I thought he was fasting and he required it so much.

6860. Then it was an unusual thing?—An unusual thing, yes.

6861. I hold in my hand the two documents that you supplied to the prisoner, one of which is the bed-head ticket, and the other an abstract of his case?—Yes.

6862. At the bottom of this abstract you have put what you conceive to be an abstract of the diets in hospital?—Yes.

6863. You intended that this abstract should include all the several diets that he received in hospital?—Yes. I intended to show merely to the prisoner the articles of consumption that had been issued to him.

6864. But you meant this to show a fair account of the diet he had during the whole period that he was in hospital, from the 12th of May to the 9th of June?—I did.

6865. Had this prisoner applied to you for medical relief at any former period since he came here, before his admission into hospital on the 12th of May?—I

Dr. Burns.
19 July 1876.

think not. Oh, on the 11th of August they first began to refuse their soup.

6866. (Chairman.) You say they; whom do you mean?—He, with others.

6867. (Dr. Greenhow.) Confine yourself to O'Connell at present, if you please. Had he applied for medical relief to you before the 12th of May?—He had on the 30th of August.

6868. What did he then complain of?—He experienced loss of appetite and nervousness.

6869. Did he then complain of palpitation?—No, he did not.

6870. You have said us that you examined his chest stethoscopically?—Yes.

6871. Did you examine the position of the heart?—I did.

6872. Where was the apex found to be beating?—It was beating in its usual position.

6873. You did not think it was at all displaced?—I did not think it was.

6874. It was neither to the right nor the left of its normal position?—No.

6875. Did you examine the heart by percussion as well as by auscultation?—No, sir. I examined him where I put the stethoscope, I think; it is so long ago now that I cannot recollect.

6876. You do not recollect determining the area of cardiac dullness?—No, I do not; no, I do not remember. I did not think it worth while even to make a note of the circumstance.

6877. Do you think that you examined the area of cardiac dullness?—Well, I think I percussed so far as to see if there was any dullness about the lung at that side, but I do not think that I paid particular attention to the cardiac dullness.

6878. He was complaining of palpitation and came here with a history that he had possible insipient aortic disease?—He did.

6879. But you did not try was there any extensive cardiac dullness on percussion?—I thought the sounds were normal. First I thought it was from rheumatism or some inflammation possibly around. From his flushed face I suspected there ought to be found some little effusion of the lung.

6880. Has O'Connell complained of his diet?—He has.

6881. What has he stated respecting it?—He has constantly refused his pudding. In fact he has found fault with nearly everything, I think.

6882. He said that his diet was not suitable to him?—He has.

6883. And when you have changed his diet he has afterwards complained?—He did in the infirmary, but I cannot say that his diet has been changed at every time. He would take it a little time and then give it up. He called the pudding, which I consider very good, he called it "putty." He always refused it.

6884. Have you from time to time ordered alterations in his diet?—No, I did not consider it necessary. I thought that the pudding could easily be done without, and that he could take the bread without injury to his health. In fact he has a great deal too much now.

6885. (Mr. De Vere.) Is this document which you laid before the prisoner extracted from the documents respecting his case which were in your hands?—It is a brief abstract from this document. You are in possession of every memorandum I have made.

6886. Would you be so good as to tell me, Dr. Burns, how you attribute the uselessness of the chest to abstinence from food?—It produces a nervous excitement, and if there was palpitation before, I think that probably it would be increased by it. There is not sufficient power of the heart.

6887. Could you mean by uselessness of the chest palpitation of the heart?—I did. The uselessness he complained of was attributable to palpitation, and in this remark here is, I think, the very term that you use. I saw it. I think "uselessness" is the expression I used here.

6888. And do you attribute the uselessness of his

chest, amounting to palpitation of the heart, to his frequent abstinence from food?—I do; I do; and I have seen it many, many times in consequence of abstinence myself.

6889. And not in consequence of any organic disease?—And not in consequence of any organic disease of the heart.

6890. (Mr. Bradick.) Did you on any occasion, Dr. Burns, say to Underwood O'Connell that medicine was not what he wanted, but food, better food, and that that you were not allowed to give him? Did you ever say that to him, or anything to that effect?—No; but he has suggested that idea to me. He has, for instance, put it to me whether better food and other food would be better for him, and I have told him "Certainly, I think it would."

6891. And have you ever gone on to say that he required better food than you were allowed to give him?—Well, I think it very likely that I have done so. I do not remember the circumstance.

6892. Have you ever said to him that you could cure him if you had him outside free, but that you were not allowed to give him what would cure him?—I have never said anything of the kind.

6893. You are certain of that?—I am positive that I never said anything of the kind.

6894. But you may have told him that he required better food than it was consistent with the rules of the prison to allow him?—He has put it to me in that way, and may have deduced that answer from the answer I have given him.

6895. Have you ever said, "The Secretary of State has positively refused to allow any change in your 'food or treatment'?"—I have not, because that would be contradicted at once by the Secretary of State having given the permission for an alteration in his diet.

6896. I believe O'Connell with the other transitory convicts is confined in a punishment cell?—He is by night and at meals.

6897. Do you consider what is called a "punishment cell" to be more or less dry than an ordinary cell?—It is more airy, the punishment cell that he occupies.

6898. Do you call it a "penal cell" or a "punishment cell"?—A punishment cell.

6899. And do you consider it more favourable or less favourable to health to be confined in a penal cell?—I think it is more favourable to health to be in a punishment cell than in one of the ordinary cells of the prison.

6900. (Dr. Greenhow.) Why do you consider it so?—Because there is more air—a better circulation of air in the cell.

6901. (Chairman.) The punishment cell is larger?—Yes, the ordinary prison cell is small, average about 200 cubic feet, whereas the penal cells are 540. I make them, and I see the clerk of works makes them 560.

6902. (Mr. De Vere.) Did I understand you, Dr. Burns, to say in answer to Mr. Bradick, that the diet you are enabled to give him under the prison regulations was not the diet required by his state of health?—I think that I might have, as far as medical treatment is concerned, and as far as I were outside, I suppose he drew that conclusion from it, that I would not put a patient of mine outside on the diet he was getting, because the patient outside would have a different mode of life from what he had in here, where he has no exercise, he could obtain from any quantity of food that he chose. There is not anything in the diet to excite or produce a disposition to palpitation.

6903. I must remind you of an answer which you gave just now. You said that it was true that you had stated to O'Connell that what he wanted was better and other diet. Now I ask you whether the diet that he received in the jail was in your opinion suitable to the state of his health?—I think there is nothing objectionable in anything he has in prison in the state of his health.

6904. May I ask if there was nothing objectionable

to the state of his health, why it was that you said he required other and better diet to cure him?—But I made no mention of the kind to him: he extracted such an answer, that is certainly possible. I did not know what his purpose was then. He may have drawn that conclusion.

6903. I understood you to say that he did extract that answer from you?—He may have extracted it, but it is by putting the question to me. It was not voluntary on my part to give such information, nor can I remember at this moment that I did.

6906. Supposing you gave him that information, would it have been true?—Well, I think it was. If he was a patient of mine, and I would not have given him the treatment and diet he was enjoying in this prison.

6907. Then it is your opinion that the diet in prisons was not the diet suitable to his state of health?—There was nothing injurious in the diet of the prison for the disease he was suffering from.

6908. Was it calculated to set right what was wrong in his case?—I think it was.

6909. If it was, why did you say that what he required was other and better diet; how do you reconcile those?—Because I cannot reconcile the diet of a prisoner with the diet of a freeman. I think many things we enjoy would be denied to a prisoner, and that it would be improper for me to grant without reason for doing so.

6910. Did you ever represent to the authorities that he required other and better diet?—I had no occasion to do so, because when I found that he actually did need it, I took him out of his cell and treated him in the infirmary when the occasion arose, and gave him other diet—beef tea and those other matters.

6911. Beef tea the first day?—Beef tea one day; then he had pudding diet which he chose himself.

6912. How long before this conversation with him, in which you may have told him that what he required was other and better diet, did you take him in?—I do not remember the conversation at all.

6913. But you think it likely to have occurred, because you now believe the statement to be true?—No, I would not draw that conclusion at all, I believe if he were outside as a private individual, I should treat him probably differently from what I would as a convict, although there may be nothing objectionable in either treatment.

6914. (Chairman.) The diet has been adequate to the maintenance of his health, though to a free man health might have been promoted more directly?—Yes, my lord.

6915. (Mr. Bradick.) In the case of a free man you might recommend him to go to the sea side or something else that would be quite inapplicable to the condition of a convict?—This gentleman has asked me about the alteration in diet. The alteration I should make would be a change that he would not like at all, that would be to take half the diet away. That would involve that the diet would be only half, and he would consider himself greatly aggrieved.

6916. (Chairman.) Looking at the state of health he was in when he first came here, is it your opinion that his health has suffered?—His health has not materially altered in any way whatever, and I think of late materially improved. I think to-day he obtained.

6917. It has been stated to me by O'Connell, that shortly after his arrival from Millbank here, he found that a boat that he was wearing was too heavy for him; do you recollect that circumstance?—I have some distinct recollection of such a thing, my lord.

6918. It was shortly after March 1837?—I do not recollect the circumstances respecting it. I do believe

there was something about a boat, and that it was referred to the governor and corrected.

6919. It was stated to me that on his complaining to you, you said, "When the boat has worked a score, I will endeavour to mend it;" that he then asked, "Is not prevention better than cure," and that you answered, "I am not allowed to prevent anything of that sort in certain cases?"—Well, my lord, it is very likely, the statement of the prisoners about prevention, for when there is no appearance of anything I am not bound to attend to a mere suspicion that there is something of the kind.

6920. How much of it do you recollect?—I do not remember anything about it. It is quite possible that the conversation has taken place. I think it is quite correct. It is quite possible that there was no injury.

6921. Are you likely to have said, "I am not allowed to prevent disease"?—It is very likely I did. I am not allowed to interfere unless there is some appearance of injury. Certainly I would never do it to a prisoner.

6922. You produce some letters?—I do, my lord.

6923. What are they?—Letters copied from my letter book with reference to the Foulton prisoners.

6924. Will you be kind enough to hand them in?—Yes, my lord. (Witness hands in 25 letters.) There are certain things you called for on the last occasion that I can furnish you with now. I was asked the last time about the date of the alteration in diet. I find it was 1864, and the commission on diet 1866—the last alteration. And about seeing the prisoners in three-quarters of an hour, I find that the largest number on Sunday was seen between 30 minutes past 8 o'clock, and 10 o'clock a.m. must be 222. I am not quite certain that they are seen in that time, but there have been 80 or 90 in three-quarters of an hour.

6925. (Dr. Leguer.) Looked for the maximum and mean numbers?—I have them.

6926. Are you prepared to hand them in now?—I am not prepared to hand them in just now, but they are ready in the other room.

6927. (Chairman.) You stated before in answer to a question in regard to the ventilation, that it had been improved of late, but that it might be further improved. In what particular wards and parts of the prison would you suggest further improvement?—I think the latest improvement has been made in the prison itself, in F ward.

6928. When you say it may be further improved to what parts do you point?—The cells, the close cells.

6929. The ordinary cells?—No, the dock cells.

6930. (Dr. Greenleaf.) By the dock cells do you mean the penal cells?—The penal cells; both the dock cells.

6931. (Chairman.) Have you observed any evil effect on the health of the prisoners from it?—No, because they are never detained more than three days there.

6932. (Dr. Greenleaf.) Are not the treason-felony convicts in penal cells?—They are in the penal cells, but not the dock cells. Rooms, I believe, is the only man who ever occupied one of them. Only one man besides him ever occupied them.

6933. (Dr. Leguer.) What is the name of the man that had charge of the meat on the last day that we were here?—I think you were very much mistaken about that. That meat was cooked for the infirmary, and had no smell whatever. I can assure you that it had no smell.

6934. Do you mean to say that that particular meat to which I called attention was afterwards cooked?—It was.

6935. Are you quite positive that that meat which was pointed out as being bad, was cooked for the infirmary?—It was, and there was nothing bad about it.

The witness withdrew.

Dr. Burns.

30 July 1876.

H. Shaw.

19 July 1870.

HENRY SHAW, prisoner, recalled.

6936. (Chairman.) Henry Shaw, when you were before us on a former occasion you stated that you would decline to make any statement whatever to us. As we have now visited Chatham prison again, the Commission are desirous of learning from you whether you still adhere to that determination, or whether you have changed your mind on the matter. If you have changed your mind, it is open to you to make a statement to us. If you refuse to make a statement you will probably tell us so?—Yes, my lord. Well, availing myself of the facilities which you provided me the day you were here last, I communicated with my friends, and I learned from them their opinions as to how I should act in the matter; and as I do not intend making any statement, I have written a letter which, with your permission, I will read.

6937. If you please:—

* Chatham Convict Prison,
* July 18th, 1870.

* To the Commissioners of inquiry into the treatment of treason-felony prisoners confined in English prisons.

* GENTLEMEN,

* On receiving from your secretary official notice that there was to be an inquiry into the treatment of political prisoners, my first intention was, assuming the inquiry to be a public one, to do all that lay in my power to aid and assist the Commissioners in eliciting the truth. But on receiving further notice that the inquiry was to be a private one, and that the prisoner was to confine himself to what was relevant to his condition as a convict undergoing penal servitude, and to point out if he had received exceptional treatment, and in what or how, thus obliging me, who cannot be acquainted with all the rules of the establishment, to show what was exceptional and what was legal. Keeping this in view, I, after calm, careful, and deliberate consideration, came to the conclusion that I could not, consistently with the duty which I owe to myself, do otherwise than respectfully decline to make any statement. Yet fearing that I might be acting precipitately, and as you, gentlemen, considered it prudent to adjourn the

investigation from the 5th to the 19th instant, thus affording me time to consult my friends, and learn from them if I were acting in conformity with their wishes; for after scouring the approbations of his own conduct, a man's next one should be, if possible, to have those approbations confirmed by the opinions of his friends. After making the best use I could of the facilities allowed me, and communicating with my friends, I am led to believe that in consulting my own wishes I shall not be acting repugnant to theirs. Of course, gentlemen, I am fully aware how wisely futile it would be for me to pretend, or even to seem to dictate to you how you should conduct the inquiry in order to elicit the whole truth. But while I recognise the fact that I am addressing gentlemen of the highest respectability, and who bring to this Commission talents of the very highest order, I cannot forbear reminding that the inquiry appears to me to be altogether wanting in character—character which even yours, unimpeachable as they may be, cannot lend it—the character, gentlemen, of impartiality. I have no intention, gentlemen, of unnecessarily intruding on your time, but I wish to say that if you examine me as to the truth or falsehood of any allegations that may have been made in public regarding my treatment, I am wholly at your disposal; and while I shall respectfully decline to volunteer any statement, I solemnly assure you, gentlemen, that I am actuated solely by the conviction—and I say it with all due deference to you, gentlemen—that I should be but aiding and abetting a delusion in acting otherwise, as I am convinced that nothing but a full, fair, and public inquiry will ever succeed in eliciting the whole truth. If I have said anything in this letter calculated to give offence, I crave pardon, as nothing could be further from my intention. I intend to be as truthful as I know how, and at the same time to be concise without being obscure. Trusting that you will give me credit for that intention,

* I have the honour to be,

* My lord and gentlemen,

* Very respectfully yours,

* HENRY SHAW (Milledale).*

The prisoner withdrew.

J. McClure.

JOHN McCLEURE, prisoner, recalled.

6938. (Chairman.) McClure, when we were here last you said that you were not then prepared to make your statement, and consequently your examination was deferred until to-day. The Commission are now desirous of knowing whether you are prepared and disposed to make any statement, or give evidence before them?—Well, my lord and gentlemen, I have come to the conclusion that I shall make no statement. I have a few words that I wish to read, if you permit me.

6939. Read it, if you please:—

* Chatham Prison, July 18th, 1870.

* To the Commissioners for inquiring into the treatment of prisoners confined in England for political offences.

* GENTLEMEN,

* TAKING into account the privacy with which the Commission of inquiry which I have now the honour of addressing is being conducted, and your objection to the attendance of Mr. Butt or any like person during my examination, and having in view the unsatisfactory result of the private Commission for the same purpose in 1869, I feel compelled in justice to myself, to decline to take part in the present proceedings, in consequence of experiencing a want of confidence in the impartiality and completeness of the present investigation. I may, I think, with propriety add here, that a torturing and living death,

with every circumstance specially adapted to render life miserable, has been an alternative which the public and my Government were led to believe was a singular act of clemency, when in 1867, the Government of England awarded penal servitude for life in exchange for an unexpired, but speedy death. I regret to be obliged to say that three years experience of this merciful alternative, gives me every reason to view that apparent act of clemency in a totally different light, and strongly induces me to look upon a power that could thus torture men as being—

* Too merciful in public gaze to take our lives away.

* The sentence here in print is as the rest of life's day.*

There has been a want of that magnanimity which is so much admired in and expected from a generous and humane victor towards a fallen adversary, who through reverse of fortune finds himself a prisoner in his power. To treat me as if I had been guilty of some degrading or ignominious crime is hardly deserved. Such a proceeding but degrades the power that can inflict on innocent men the infamous punishments allotted to the thief and vile outcasts of society.

* I am, gentlemen,

* Very respectfully,

* JOHN McCLEURE.*

6940. You had that in as your final answer?—Yes.

The prisoner withdrew.

MR. WILLIAM FITZ BUTTS recalled.

6941. (*Chairman.*) The four prisoners John McClure, Henry Shaw, O'Connell, and Derry, have finally declined to make any statement to us. A letter has been handed to us from O'Donovan Rossa in which he makes certain allegations as to the documents that he asked for, upon which I should like to ask you one or two questions. He says that out of 12 letters written by him he has only got 9?—He has got all the letters, my lord, that have been in my possession, and I have written to the other prisons where he has been located and they have sent me, I suppose, all that they had.

6942. You have handed to him all that have ever been sent to you from other prisons or been in your own custody?—Exactly, my lord.

6943. He says also that he has received a copy of what purports to be the prison records in his case, and he does not consider this a full or fair transcript, and that it cannot have been copied from the original books. Have you directed that a full and fair copy should be made of them?—I did.

6944. He illustrates it by reference to Portland. You can only answer for the books of this prison?—That is all.

6945. (*Mr. De Vere.*) Have you compared the abstracts with the originals, Mr. Butts?—I have compared the abstracts with the penal records.

6946. And they are correct?—They are perfectly correct, as far as this prison is concerned.

6947. And do you mean to say that in all matters in which the prisoner was entitled to receive a copy, you can say that a copy was fully and fairly made from the prison records?—It was.

6948. You saw it yourself?—I saw it myself and compared it.

6949. (*Chairman.*) With reference to a letter which he alleges has been suppressed and addressed to Mr. McCarthy Downing, member of Parliament for the county of Cork, are you aware of the fact of its having been suppressed?—Our letter was forwarded to McCarthy Downing to which he got an answer. I cannot say positively whether he wrote another to him, but I can tell you immediately on reference to the prison register of letters.

The witness withdrew.

The Commission adjourned.

Chatham Prison, Wednesday, 20th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BOOTHBY.
STEPHEN E. DE VERE, Esq.

DR. LYONS.
DR. GREENHOW.

JEREMIAH O'DONOVAN (*Ross*), prisoner, recalled.

6950. (*Chairman.*) O'Donovan Rossa, the Commissioners have had under their careful consideration a letter which you have addressed to them this morning, and have come to the following resolution, which I am to communicate to you: "That the Chairman of the Commission be requested to state to O'Donovan Rossa, in reply to his application now received, that 'they have no control over the manner in which the interviews between prisoners and their friends are conducted, such interviews being regulated by the Secretary of State.' I am further to inform you that some time ago the Commissioners passed a resolution to the effect that prisoners shall be permitted to receive the visits of their friends and advisors for the

purpose of assisting them in the preparation of their statements, but that such permission should cease on the morning of the day the Commission appointed for the examination of such prisoner. We reserved to ourselves in passing that resolution the opportunity in any particular or special case of slightly modifying or extending it. In your case, I am to inform you, that under the special circumstances of your case, and your position in reference to your wife, we have as far departed from the resolution which we have hitherto acted on, as to enable me to inform you that you will be allowed to see your wife again to-morrow. This is the answer that I am to give you, and I am to remind you that in giving you the opportunity of

Mr.
W. F. Ryan.
18 July 1870.

J. O'Donovan
(*Ross*).
20 July 1870.

J. O'Donnell
(Witness).

20 July 1870.

saying your wife yesterday, we also departed from that resolution?—To-morrow, my lord, will be the last day?

6960. To-morrow will be the last day, so far as this resolution goes?—But I told you, my lord, that she was to attend as a witness.

6961. We shall be glad to see her and receive any

The prisoner retired.

W. Halpin.

WILLIAM HALPIN, prisoner, recalled.

6962. (Chairman.) Halpin, your examination was adjourned at our last meeting in order to give you an opportunity of preparing any statement that you may wish to submit. Are you prepared now to submit a statement?—I am not; I have not the statement entirely completed, my lord; in consequence of the obstructions that I met with since you were here before; and whether I will be able to furnish a statement to the present Commission, will entirely depend on the Commission itself, I presume, my lord; and in order to understand my exact position, I will, with your permission, ask a few questions.

6963. You may ask your questions?—The first question is, do the Commissioners still adhere to the resolution to conduct the inquiry in private, and refuse the prisoners to be represented by counsel?

6964. Yes?—Are the Commissioners sworn to inquire into the treatment of the transatlantic prisoners with strict impartiality with a view to elicit the whole truth?

6965. No. Of course we shall conduct the inquiry with a view to justice as we think best?—But as to being sworn, my lord?

6966. We are not sworn?—Will the witnesses be examined under the obligation of an oath?

6967. No; we have no power to administer an oath?—Will the whole of the evidence be published as given before the Commission?

6968. It rests with the Government to decide that. We shall recommend that it shall be printed?—Will I be furnished with the official orders and reports which I required of the Secretary of State on the 26th June, and of the Commissioners on the 4th of July?

6969. We understand that you have received all the papers which the Government think it right that you should have?—The governor told me that much.

6970. Yes?—These orders that I speak of now are the orders which I asked in my application to the Secretary of State, and which I repeated here on the 4th of July.

6971. Of the documents which have been asked for by you the Government think it right that you shall have some, and that you shall not have others. We inquired yesterday, and we believe that you have had all those for which you asked which the Government authorize to be given to you?—Well, I think that you are mistaken there, my lord, perhaps in consequence of misapprehension. There is one here which I have asked for. I have asked for the written complaints that I made against the surgeon and the late governor. I got one complaint that I made against the surgeon, but I did not get any of the other two. There are two complaints against the surgeon, and one against the governor.

6972. What is it that you state you have not had?—The second written complaint that I made against Dr. Burns, and another against the late governor.

6973. (Mr. De Vere.) Can you state the dates of them?—No, I cannot, sir. I do not recollect the dates.

6974. Or the year?—I think it was in last year some time.

6975. (Chairman.) We will inquire how it is that you have not had the other complaint that you made against the doctor, or that that you made against the governor of the prison?—The late governor, my lord.

6976. Captain Perrell?—Captain Perrell.

6977. (Mr. De Vere.) Were the two complaints

evidence that she may wish to tender as a witness. We propose not to take you immediately, but to see another prisoner first, so that you have an opportunity of seeing your wife this afternoon if you like. She will probably come to you in the course of the day, if she is not in the prison at present?—Thank you, my lord.

made at the same time; did they hear about the same date?—I think that one of the complaints against the doctor and the complaint against the governor were written about the same time, or pretty close to the same time. I have got one of the complaints that I wrote against the doctor.

6978. Is the complaint against the doctor that you have not received the complaint that was written about the same time that you made the complaint against the governor?—That I could not say, sir, whether it is the one I have got now or the other one.

6979. (Mr. Broadrick.) Can you give us any indication of the date?—I cannot, sir.

6980. In what year was it?—Last year.

6981. (Chairman.) There are two complaints, one against the governor and the other against the doctor?—Yes, my lord. You understand that I have got one of the complaints that I made against the doctor, and that I did not get the other that I made against him.

6982. You made two against the doctor?—Yes, I made two.

6983. (Dr. Greenhow.) What does the one that you have got refer to?—I have one; I have it here, sir.

6984. Could you tell what the subject of it is?—Yes, I think; yes, I recollect now. It was a statement that the doctor made to the two members of Parliament who were down here last July, I think just about a year ago, Mr. McCarthy Dowling and Mr. Binko. It was in consequence of a misrepresentation and misstatement the doctor made to those gentlemen that I wrote that report, which I have got.

6985. That report you have got?—That I have got.

6986. Did the other refer to your bones and sinners?—Well, it refers to a good many subjects, I think.

6987. (Chairman.) We will inquire?—I wrote a letter to the Commissioners on the 9th of the present month, asking this question, amongst others, my lord, whether I would be allowed to make a copy of my statement for the information of the United States Government. I got no answer to that letter.

6988. (Dr. Lysons.) When do you say that you wrote that letter?—That letter was written on the 9th. I have a copy of the letter here. Perhaps I had better read it.

6989. (Chairman.) Wait one moment?—The 8th it is; written on the 8th.

6990. (Dr. Lysons.) On the 8th of July?—On the 8th of July.

6991. (Chairman.) Was it to ask for leave to have a copy made?—For leave to make a copy of my statement for the information of the United States Government.

6992. (Mr. Broadrick.) Was it addressed to the Commission?—It was. I have a copy of it here, which I will read if you permit me.

6993. (Chairman.) No. We are at present dealing with the matter of the application.

6994. (Mr. Broadrick.) For what purpose was the letter?—The first request I made in the letter was to be permitted to make a copy of the statement that I was then preparing.

6995. (Dr. Lysons.) To whom was the letter addressed?—To the Commissioners.

6996. To whom did you give that letter?—I gave it to the governor, and he sent it forward.

6997. (Dr. Greenhow.) Did you put it in an envelope?

hope?—No, sir, I did not. The governor has to read everything that I write, and I sent it to him through the officer of the ward.

6998. (*Chairman.*) You have nothing more to say about the letter?—I would prefer to read the letter, because there are other things in the letter.

6999. No; that will come when you make your statement. I understand you are now dealing with difficulties which you find in making your statement. You say that one difficulty is, that you had no answer to that letter?—I had no answer whatsoever.

Mr. Wm. P. Burts recalled and confronted with the prisoner.

7000. (*Chairman.*) Mr. Butts, the prisoner Halpin tells us that he wrote a letter on the 8th of July to the Commission asking for leave to make a copy of a statement that he was then preparing for us, for the purpose of laying that copy before the United States Government. Did he place that letter in your hands, and what did you do with it?—(*Mr. Butts.*) What letter was it? Was it on your side?—(*Prisoner.*) No, sir, it was written. (*Mr. Butts.*) I sent it to Parliament Street, my Lord.

7001. To the directors?—(*Mr. Butts.*) To the directors, to the best of my belief. I do not know what it was.

7002. It was on the 8th of July a letter addressed to us.

7003. (*Mr. Brodrick.*) Could you by reference to your book tell us?—(*Mr. Butts.*) I could. I will refer. (*Prisoner.*) I have a copy of the letter here. (*The prisoner hands a document to Mr. Butts.*)

7004. (*Dr. Greenhouse.*) Did you read that letter addressed to us?—(*Mr. Butts.*) I have read a letter like this, but Halpin has written a good many. I will find out.

Mr. Butts withdraws.

7005. Now if you wish to say anything more to us, you can do so?—I wish to say, my lord, that I wrote three letters under the instructions that I received when I was before you before, in reference to the Commission. One of those letters was addressed to Mr. Motley, the United States minister; another of them was addressed to the only friend that I have on this side of the Atlantic, Mr. John F. O'Donnell; and the other was addressed to Mr. Collan, M.P. for Dundalk. I have copies of the three letters here, which I would like to read. These three letters, I may say, have been suppressed by the Secretary of State.

7006. Have you been so informed?—I have been so informed by the governor. He read the Secretary's order.

7007. (*Mr. Brodrick.*) Were those letters written since the last interview with us?—Yes, sir. The letter to Mr. Motley was dated the 7th.

7008. (*Chairman.*) The way you put it to us now is, that not having received any answer to those letters has introduced difficulties in the way of making your statement?—No, sir, that is not it; but having letters suppressed, and the Secretary of State refusing me the right you granted me here before.

7009. (*Dr. Lyons.*) Were you informed that those letters were suppressed by the authority of the Secretary of State?—I was, sir.

7010. (*Chairman.*) Do I understand you to say that this suppression of the letters you have specified interferes with your making your statement to the Commission?—It does, sir; Mr. O'Donnell was one gentleman I wrote to, and was the gentleman that I wished to assist me in making the statement.

7011. (*Chairman.*) We must take a note of these grounds.

7012. (*Dr. Lyons.*) Is he a professional man?—He is not, sir.

7013. (*Chairman.*) Have you anything else to state as a reason why we should not require you now to

make your statement to the Commission?—Should I? I think, no, sir?

7014. No, not now?—I think it would be very material for me to show you that the Secretary had no—

7015. Go on with your next point. We will ask, Mr. Butts on that?—Would it not be well, my lord, to see the letters the Secretary of State thinks proper to refuse?

7016. We are not here to judge of the Secretary of State's conduct in the case.—But I understood you, distinctly, when I was here before, on the 4th of July, to say to me that I had free permission to write to my friends on subjects solely connected with the Commission, and so have the assistance of any friend I thought proper to assist me in making out my statement. These letters were written under these instructions, and the Secretary of State steps in and takes away the right which you conferred. That is what I complain of, my lord.

Mr. Butts returns.

7017. (*Mr. Butts.*) I cannot state positively, my lord, whether it has been sent on or not, but to the best of my belief it has.

7018. (*Chairman.*) To Parliament Street?—(*Mr. Butts.*) Yes. I made it a point to forward everything, but I do not see this particular letter specified.

7019. You have no doubt that according to your usual practice you have sent it?—(*Mr. Butts.*) Yes.

7020. With regard to the letters which he says were suppressed by the Secretary of State, addressed to Mr. Motley, to Mr. O'Donnell, and to Mr. Collan respectively, are you cognizant of those letters?—(*Mr. Butts.*) I am, my lord.

7021. Have they been suppressed by direction of the Secretary of State?—(*Mr. Butts.*) Yes; I read to Halpin the Secretary of State's letter about it. (*Prisoner.*) I told the gentlemen so.

7022. You sent them to the directors, and the directors hid them before the Secretary of State?—(*Mr. Butts.*) Yes, they hid them before the Secretary of State.

Mr. Butts withdraws and the Commission deliberated.

WILLIAM HALPIN'S EXAMINATION RESUMED.

7023. (*Chairman.*) The Commissioners are of opinion, Halpin, that it does not rest with them to go into the question whether the Secretary of State acted rightly or wrongly in suppressing those letters. When you make your statement if you see grounds of complaint in those letters being suppressed, it will be open to you to refer to it. But at present you are simply considering whether the grounds you allege are or are not sufficient grounds to prevent your making your statement?—Am I at liberty to have the letters read before you?

7024. The letters will properly be read when you make your statement. At present you are giving us reasons why you should not now make your statement?—My position is simply to claim the right you gave me before.

7025. We cannot go into an investigation into the cause of having those letters suppressed?—My lord, you will consider that the question involves making my statement, if the action of the Secretary of State has disqualified me from making a statement at all.

7026. (*Mr. Brodrick.*) If you consider that, you may state it. If on this ground you decline to make a statement, we will take it down. It is for you to consider whether it is a ground on which to decline to make a statement to the Commission.

7027. (*Dr. Lyons.*) You can subsequently put in the letters as part of your grounds of complaint, and read the letters if you choose. Do you understand that?—I do, sir.

7028. (*Chairman.*) Is there any other reason that you wish to lay before us?—There is another reason, my lord, which is even of more importance in my

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opinion than that. You tell me that the witnesses are not to be examined under the obligation of an oath.

7038. Yes?—I have now two papers which I received from the medical officer of this prison. If you will permit me to read them they will explain themselves, to show the necessity of having the prisoners sworn.

7039. But we cannot administer oaths. We have no power to swear witnesses, so there is no use in your going into that question.

7041. (Mr. De Vere.) If we were to administer an oath we would be doing an illegal act, for which we might be indicted?—Yes; but, gentlemen, if you allow me to read the letters that I want to read, you will see that in one of them, which is very recent, I asked Mr. Callan, to that letter I wrote to him, to endeavour to have that power conferred on you.

7043. (Chairman.) I have told you that we cannot go into that?—No, my lord; I am simply explaining it.

7043. Have you any other reason to put forward why you should not now make your general statement of complaints?—I allege as another reason, that the witnesses are not to be sworn.

7034. Go on. Have you any other?—Another reason, that my friend, whom I asked to assist me, has been denied me, and prevented by the Secretary of State. That was entered in the first question, if you understand it properly, gentlemen.

7035. (Dr. Ligon.) Who is that friend that you wished to assist you?—Mr. O'Donnell, Mr. John F. O'Donnell.

7035. (Chairman.) Without going into the substance of the letter that you wrote to Mr. O'Donnell, will you state, did it contain a request that he would come and assist you?—Simply a request, sir. That was the whole substance of the letter. It was a very short letter. If you wish I will read it to you.

7037. No. Have you any other reason to allege?—I have these medical papers. Can I read them, my lord?

7048. In reference to the medical papers that you mention, do I understand you to allege that you have not had all the papers for which you asked, and that therefore that is an additional ground for your not being able now to make your statement to us?—I do; I allege that.

7038. Then I must ask you, for what medical papers have you asked that you have not had?—I have asked for the reports of the medical officers, and the order that be received in reference to them.

7040. These are placed on the table for the use of the Commissioners, but they could not be supplied to you?—But having them on the table does not enable me to make my statement, my lord.

7041. That is the only answer that I can give you. I hold in my hand a paper showing what papers it is intended should be given to the prisoners and what should not be given to them, and the reports made by medical officers, for medical purposes, are not to be furnished to prisoners, but to be furnished to the Commissioners. This paper which I hold in my hand contains a statement with regard to every class of paper asked for by prisoners, specifying what are to be given to the prisoners and what are not to be given to them but to the Commissioners. This is drawn up by superior authority, with which we have no power to interfere?—Well, my lord, I of course do not know what course you think proper to adopt, or the authorities think proper to adopt, but I know this, that without the papers I asked for it is utterly impossible for me to make a complete statement.

7042. That will be a matter entirely for you to consider; I can only tell you that the authorities have laid down certain rules, and the papers which you now specify do not come within any of the classes that are to be furnished to the prisoners?—Well, those two papers that I have received from the medical officer, my lord, I would wish to read, so as to show the Commission the necessity that exists, in my opinion, to have the witnesses sworn, to enable me to be fairly dealt with. I know that you have already decided you have no power.

7043. I have already told you that we have no power to administer an oath, and that we therefore cannot do it?—Well, my lord, can I read the papers?

7044. No, not unless you wish to bring them forward as a part of your general complaint by-and-by?—I have other records here furnished by the authority of the governor, from the books kept by the governor and the directors, and I would ask for the originals of those papers in order that I may compare them; knowing that these, if they are perfect, fair copies of the originals, then the originals are all false, and it is necessary for me to have the originals to compare these with.

7045. (Mr. De Vere.) With regard to these medical reports that have been furnished to you, the accuracy of which you impugne, do you not perceive that at a future period you have an opportunity of making their inaccuracy a part of your case and impeaching them, and that we will be able to test their accuracy by comparing them with the original documents placed on our table?—I understand that perfectly, sir; but it is not with that view that I alluded to them at all now, but to show you the necessity of having the medical officer sworn; because these papers sufficiently contradict themselves—two papers handed to me by the medical officer himself, and they contradict themselves so fully that whereas reads them cannot fail to see it.

7046. (Chairman.) We shall have an opportunity, as Mr. De Vere has stated, of comparing them with the originals, but under the rules of the authorities you cannot have the originals?—But how, my lord, am I to tell these are true copies unless I get the originals to compare them with?

7047. The comparison is to be made by us, not by you?—Then I am not to see the originals?

7048. No?—Then how am I to complete my statement is now mysterious than ever. I am very anxious to make a statement to the Commission, but how I am to do it, with all the obstacles that are thrown in my way by the Commission and the Government, I find more difficulty than ever. I would ask, my lord, for a little time to consider, to see whether I would make a statement.

7049. You quite understand, Halpin, that the motions to which you now refer you are quite at liberty to go into if you make your complaint. We should then inquire, for instance, what is the reason that you have not had a copy of a written complaint made by you against the governor, and of another made by you against the doctor. We should inquire if you complain, how it is that you have had no answer to your letter written to the Commissioners. We should inquire how it is that these three letters have been suppressed. We should inquire into those three points, and we should also inquire into that which you now state, the alleged inaccuracy of what has been supplied to you as copies of your medical history?—I do not say the medical papers are inaccurate as far as the originals are concerned. I only say that the medical papers disagree with themselves. But I say the papers furnished to me from the record books of the governor are inaccurate, and not only inaccurate but—well, I won't use the word.

7050. You ask for time to make up your mind as to whether you will or will not make a statement to the Commission. You can withdraw now. You must be prepared by 2 o'clock to tell us whether you will or will not make a statement.

The prisoner withdrew, and after the lapse of half an hour was recalled, having in the interval forwarded the following paper to the Commission:

"To the Commissioners appointed to inquire into the
"Treatment of Twicken-Felony Prisoners in
"English prisons.

"Chatham Prison,
30th July 1870.

"GENTLEMEN,
"When I first heard that a Commission was
"appointed to inquire into the treatment of prisoners
"under sentence for political offences, I hoped that

"the inquiry would be public, conducted by sworn Commissioners, and the facts verified or denied by sworn witnesses. I now learn, with much regret, that such is not and will not be the case; that the Commissioners are acting singly on their 'knoes,' and that the witnesses will be allowed to make any loose statements they please, without the obligations of an oath or the fears of the pains and penalties of perjury. From my knowledge of the capacity of some of the witnesses that should, and very likely will be, examined by the Commissioners, to make false reports and lying statements in reference to the class of prisoners whose treatment is to be inquired into, I have no hesitation in saying that such witnesses will not tell the truth, except under oath, and through a strict cross-examination.

"With a view to have a perfect statement prepared for the Commission, I applied to the Home Secretary on the 25th of June for copies of all orders issued and reports made in reference to our conduct and treatment in prison, as well as various other documents necessary to complete the same. I made a similar application to the Commissioners on the 4th instant, and wrote to the same body on the 8th instant, on the same subject; and now, up to the 14th, the moment of writing, I have been unable not only to get the papers required, but even a reply. I wrote to Mr. Butt on the 1st of July; he very kindly replied on the 2nd, but that reply was kept from me until the afternoon of the 7th. I wrote to Mr. Motley on the 16th of June and on the 7th of July on matters connected with the Commission, and up to this moment I cannot learn whether my letters were sent to him or not. I wrote to Mr. O'Donnell on the 7th instant to come to assist me to make out my statement, and to Mr. Callan, M.P., on the 8th, and I cannot learn if my letters have been forwarded to these gentlemen. I was told by the Commissioners on the 4th instant that I could correspond freely with my friends on the subject of the Commission, and your dearest promises to the prisoners such facilities as appear fair. But, gentlemen, with the above facts before me, I cannot avoid the conclusion that your oral promises, as well as those of your clerks, are meant more for the public eye than the accommodation of prisoners. You say that we are entitled to have all the records and published statements in reference to our treatment sent to us; yet in the face of this statement, papers enclosed to Ross in a letter a few days ago were abstracted by the authorities, and refused to be given up, and others brought by his wife yesterday, taken from him by order of the Home Secretary. The facilities you promised have been denied by the State authorities, whose shuffling, quibbling, and delays have retarded our operations, and now prevent us from completing our statements.

"Whatever faith I had in the honesty of the Government has been destroyed by the conduct of the State officials, and the evident unwillingness of the Commissioners to give such facilities as would enable us to lay the facts before the public. I did not, from the beginning, believe that the Government would appoint a Commission to prove its own public statements untrue, or that it could afford such an investigation as would unveil the facts, and lay the official score open to the public view, and I find that the action of the State authorities and the Commissioners since their appointment justify this conclusion. First, the Commission is to be a secret investigation, acting in the dark, refusing not only

"the representatives of the press admission to its chamber, but even allowing counsel to act on the part of the prisoner. The prisoner is required to make his statement, and let the Commissioners cover it over, behind his back, with official falsehoods. He is to have no opportunity of meeting these falsehoods in open court, and whatever testimony will be allowed to reach the public must first percolate through the fingers of the State authorities. Then every just facility is denied the prisoner to prepare his statement, while the State authorities know all the records, and have been for months peeping at their contraband. Every artifice that cunning could suggest has been resorted to to keep us in the dark, and keep us from even knowing the cause of this inquiry. If the Government desired that the public should know the truth, would this be the case? Would we not be furnished with every means to enable us to lay the facts before the Commissioners and the public? Certainly we would, and the contrary conduct of the Government in withholding from us the necessary documents, shutting the doors of the Commission, refusing the presence of a representative of the American Government, and all legal assistance in the conduct of the inquiry, and the delays and obstructions resorted to, prove to me, beyond the possibility of a reasonable doubt, that the intention is to wrinkle the public again, and make the personal character of the Commissioners, and the title of Lord Devon, cover the fraud.

"With this knowledge in my possession, and these convictions in my mind, I decline to make any statements before this Commission unless it offers the safeguards of publicity, and affords all the requisite facilities to enable me to make and prove my statement.

"Since writing the above, the governor read for me a letter from the Home Secretary, positively refusing to allow my letters to Mr. Motley, Mr. Callan, and Mr. O'Donnell to be forwarded to those gentlemen. Such are the facilities allowed by Mr. Bruce; such is the sham attempted to be foisted on the public. To comment on such acts would be a waste of time. The Commissioners give me permission to write to my friends on the subject of the Commission; Mr. Bruce takes that permission away. The Commissioners tell me I can have the assistance of a friend in making up my statement; Mr. Bruce says I cannot. What a mockery. What a sham is this whitewashing Commission appointed by the Home Secretary to cover up his falsehoods and his frauds! The orders of the Commission, as well as those of the Home Secretary, are plainly meant for the public eye. They are intended to deceive; they are too shallow to deceive anyone but those who get them up. They pretend to confer rights in public which are taken away in private; like fairy gifts, they recede from the gray in the dark, and vanish before the advancing light. Perfidy has long been the characteristic of England's rulers, and it appears they have no intention of shaking it off.

"I am, gentlemen,

"Respectfully,

"WM. G. HALPIN."

7051. (Chairman.) Halpin, an officer has just put this document from you into my hand. Is it intended to be handed in by you as an expression of your final resolution in respect to your making any statement to the Commission?—It is, my lord.

7052. Then you can withdraw, if you please.

The prisoner withdrew.

Mr. W. F. BURNES recalled.

7053. (Chairman.) Mr. Burns, the prisoner Halpin has stated that he has not had a copy of a written complaint that was made by him against Captain Powell, the late governor of this prison, or of a complaint that was made by him against the doctor. He has had a copy of one complaint against the doctor,

but not of another complaint; he made two complaints against the doctor?—(No reply.)

7054. (Mr. Brodribb.) These two complaints were made last year, and one of those complaints, as we understood him to say, arose out of a visit paid to the treason-felony prisoners, or at all events to himself, by

W. Halpin.

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Mr.
W. F. BURNES.

Mr.
W. F. Bates.
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Mr. McCarthy Downing and another gentleman last year?—I thought they were to have the complaints they made against the government.

7045. (Chairman.) "Written complaints made against the governor or officers of the prison, and handed to superior authority," were to be supplied. Here, out of three written complaints it appears that one was supplied and the others were not?—I will make inquiries if you like, and ascertain if there was such a document.

7046. (Dr. Greenwood.) Just look over that and see if you can explain it. (Hands the witness a paper)?—It does not say any more here than are written complaints or not, as far as I can see. I will go and find out if there are any written complaints.

7047. (Dr. Lygon.) That be good enough to go and look at the book, and bring the book here?—Yes. (The witness withdraws and returns with a book.)

7048. (Chairman.) Mr. Bates, can you explain the discrepancy that exists as regards that entry?—On reference to the letter book I find that he has made a statement. It was written by the director's order; he asked the director for permission and the director said if he remained of the same mind three days he might make it, and he did make it. By reference to the letter book I find that he did write it. He asked me for a statement he made against the governor and medical officer, and I gave it to him.

7049. (Dr. Lygon.) On the 20th April 1869 the nature of his application is recorded here, "Wishes to prefer charges against the governor." Then there is entered here, "By order of the director, if he continues in this mind, at the end of three days he is to be allowed to put the matter in writing, the statement to be sent up to the directors"?—Yes; he eventually was of the same mind. He wrote to the directors; and here are two charges that he made against the Roman Catholic clergymen and the governor.

7050. (Chairman.) Of that he has not had a copy?—He has not had a copy. I did not know of its existence until now. If he applied for a copy he would have had it.

7051. Does the reply recite the nature of the complaint?—This is the governor's reply forwarding his complaint. His letter is in Parliament Street. That is the reason I have not got it.

7052. That is the written complaint made against the governor?—It is, my lord.

7053. Of which he has not had a copy?—Of which he has not had a copy.

7054. Then the complaint is in point of fact in the director's office?—It ought to be; it is not here at all events.

7055. Will you be kind enough to write for this written complaint?—I will, my lord.

7056. (Mr. De Vere.) There is also a written complaint which he made against the medical officer which he says he did not get.

7057. (Chairman.) You stated just now that three letters written by the prisoner Halpin to Mr. Motley,

The witness withdrew.

Mr. J. F. O'Donnell, and Mr. Callan, were suppressed by order of the Secretary of State?—They were, my lord.

7058. Are you in possession of the Secretary of State's letter announcing that they were to be suppressed?—I am.

7059. Has that letter been communicated to the prisoner?—It was, my lord.

7060. Have you any objection in your official position to produce that letter?—Not at all, my lord.

7061. Will you be kind enough to produce it if you please?—Yes.

7062. Is it not marked confidential?—Oh, not at all.

7063. Will you read it?—There are two letters; one referring to his letter written to Mr. Callan, and the other referring to his letters to Mr. O'Donnell, and Mr. Motley the United States Minister. Number one is dated.

" Sir, Whitehall, 12th July 1870.

" I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 9th instant, forwarded three letters written by transatlantic convicts W. G. Halpin and C. U. O'Donnell, in Charleston prison, and inquiring whether they may be despatched as addressed. In reply I am to acquaint you that, with regard to the first letter, from Halpin to Mr. Motley, the Minister for the United States in this country, that the convict may be informed that the decision of the Commissioners that each convict may have the assistance of a friend to aid him in the preparation of any statement he may have to make as to his treatment in the convict prisons, is not to be interpreted as a general permission to him to write to his friends; that the question of the contents being represented before the Commissioners by Mr. Butt has already been decided by the Commissioners, who have determined that statements on either side shall be made to them directly, and that counsel shall not appear, either on one side or the other; that an application to the American minister to interfere in a matter already decided by the Commissioners cannot be allowed, neither can reports made by one government to the other be of any assistance in the preparation of a statement as to the treatment of individual convicts in a convict prison. For these reasons Mr. Bruce must decline to allow this letter, number one to be forwarded, nor can he permit letter number two, from Halpin to Mr. O'Donnell, and number three from O'Donnell to Mr. Motley, to be sent, and they must be destroyed."

That was the first letter. That is dated the 12th of July. The next is dated "Whitehall, 13th July." They are both to the governor. It says:

" Sir,

" I AM directed by Mr. Secretary Bruce to acknowledge the receipt of your letter of the 12th instant, and to acquaint you that he cannot permit the accompanying letter from William Halpin to Mr. Callan, M.P., to be forwarded to him."

JEREMIAH O'DONOVAN (ROMA) recalled.

7074. (Chairman.) Are you prepared now, O'Donovan, to say a statement before the Commission?—No, my lord. I am prepared to answer any questions you are pleased to ask me upon anything that I submitted to you.

7075. You would rather that that course were taken?—Any course that you prefer to take, my lord. The letter that I gave you on yesterday morning, my lord, of course I will not on that letter. I sent it to you, my lord, that you may have as early notice as possible.

7076. We hold in our hands a printed copy of a letter addressed by you to us on the 30th of June. You state in that that you were 35 consecutive days in this prison with your hands tied behind your back?—Yes, my lord.

7077. You see the necessity of being particular as to dates. When did that occur?—Well, the first day, my lord, that I was put in irons, was about the 17th of June.

7078. June the 17th you were put in irons?—Yes, my lord.

7079. (Dr. Greenwood.) What year was it. Was it last year or the year before?—'68, my lord.

7080. (Chairman.) Will you state how were the irons put on you. Were they fastened on the hands or the legs?—Behind my back, my lord.

7081. The two hands?—The two hands handcuffed, tied behind my back, my lord.

7082. Were you told for what offence it was done?

J. O'Donovan
(Rome).

—No; my lord; but it was for an offence that I committed the day before.

7063. What was the offence?—Throwing some water that I had in my cell pot through the spits of the cell at the governor.

7064. Was that water from your chamber?—Part from the chamber, my lord, and part not.

7065. Was that the then governor here, Captain Powell?—Captain Powell, my lord.

7066. After you were put in irons, were you moved into a different cell from that in which you had been before?—I was, my lord; not I think on that day, some days afterwards.

7067. When were your hands unloosed after the time of being first put behind your back?—At the dinner hour, my lord. I was put in irons between 10 and 11 o'clock.

7068. At what time of the day, morning?—The morning, my lord. The hands then were unloosed first at dinner time, and I was tied in front.

7069. Were you allowed to see your hands in dining?—The hands were tied in front, my lord, and brought forward from behind my back.

7070. When the hands were tied in front, could you use them to feed yourself?—Yes, my lord.

7071. When you say your hands were tied, do you mean tied with handcuffs?—Handcuffs, and a chain of a few inches between the handcuffs. I beg your pardon, my lord, but I will be guided by you whether I will make a few remarks that I have to make with respect to witnesses in this matter. I have a copy of a report of an inquiry organised by the directors to know whether this was correct or not, and all that gave evidence, meant to say that I was not in irons for more than three days.

7072. We will go into that afterwards. The hands were unloosed that first day at dinner time, that you may be allowed to feed yourself, the hands being a few inches apart, but confined by a chain?—Yes, my lord.

7073. After dinner were they tied again?—They were tied again behind my back, my lord.

7074. How long did they so remain tied behind your back?—Until some time after 7 o'clock in the evening, before bed time, a quarter to 8. Between 7 o'clock and a quarter to 8, they were taken off for the evening.

7075. And left off?—And left off until morning, my lord.

7076. Did the tying of your hands behind your back, and the unloosing of them, and your having free disposal of them, occur the following day?—I have not given you one full day, my lord, for it commenced at 10 o'clock.

7077. (*Dr. Lysons.*) Have you finished the first day?—*Mr. Lysons.* I have only given a part of the first day, for the hands were not tied until 11 o'clock the first day.

7078. (*Chairman.*) Give us the first whole day?—The irons are put on, my lord, sometimes about half-past 5 o'clock in the morning, just after I get my breakfast.

7079. (*Dr. Lysons.*) After your breakfast?—I am not sure whether it was sometimes before breakfast or after it, but if the officer had put them on before breakfast, he opened them while I was at breakfast. Any way, breakfast hour is about half-past 5 o'clock; it does not make much difference.

7100. (*Dr. Lysons.*) Do you remember distinctly whether irons were on you at breakfast on any day?—I never wore the irons at breakfast or any meals; but the time of putting on the irons is breakfast hour, and the officer might put them on before I would get the breakfast, and then they would be taken off.

7101. (*Chairman.*) The second day they were put on at half-past 5 o'clock in the morning. Whether it was after breakfast or before it you do not know; but if they were put on before breakfast they were taken off to allow you to feed yourself?—That is correct, my lord.

7102. Whatever the irons which cased your hands behind your back were taken off, the hands

were confined in front with a small chain between them?—Yes, my lord.

7103. (*Dr. Greenhouse.*) But the irons were actually on while you were taking food?—Yes.

7104. (*Chairman.*) When they were put on after breakfast how long did they remain on?—Until dinner hour. There is an exercise hour during the day, and I might get that hour before dinner or after dinner. If it came before dinner the irons were taken off while I was putting on my shoes and trousers. Going out for exercise the irons would be taken off while I would be dressing, and then they would be put on again.

7105. They were taken off to enable you to put on your shoes?—Yes, and put on again.

7106. (*Dr. Greenhouse.*) Were they taken off altogether?—Not altogether.

7107. Were your hands brought in front when you wanted to dress?—Yes.

7108. (*Dr. Lysons.*) At what hour was the exercise?—There was no particular hour.

7109. (*Mr. De Vere.*) You say that the irons were taken off to enable you to dress for exercise?—Yes.

7110. Were they altogether taken off or were they merely transferred from behind your back and put in front?—No; my hands were ironed behind my back. The officer would come and unloose the irons. Sometimes he would take the irons off both hands and let me dress then; sometimes he would take it off one hand. I believe the officer is bound to take off the iron entirely, lest a man might strike with the iron on one hand; but on a few occasions I dressed with the iron on one hand and let the officer hold it and I would not strike him.

7111. Were you required to dress with the two hands tied by handcuffs in front of you?—No, I could not do that.

7112. (*Dr. Lysons.*) Then you are not sure whether upon some occasions the handcuffs were not altogether taken off while you were dressing, and on other occasions left partly on one hand while you were dressing?—Yes, on a few occasions only.

7113. (*Dr. Greenhouse.*) Were they taken off altogether at night?—Yes, altogether.

7114. You had no handcuffs on at night?—Not these 84 days. The handcuffs at night occurred at Millbank.

7115. (*Chairman.*) We have got this, that the handcuffs were sometimes taken off altogether while you were dressing, and that they were always taken off at night?—Yes, my lord.

7116. During the period of the day when you were not at exercise or at meals, where were you and what were you doing?—I was in my cell, my lord.

7117. You have represented to us now what happened with regard to those irons for one day. Was the same course carried out the following days, and if so for how many days?—One thing you have not, my lord. When I required to go to the closet they were taken off.

7118. And when you wanted to make water did you ask to have them taken off?—I did not like to give trouble to the officer and I used to manage to make water without taking them off.

7119. Does that represent the state of things which existed during a certain number of days, and if so, how many?—It represents the state of things that existed for 35 days, each day following the other.

7120. Are you quite sure that that was the number of days during which you remained in that state?—I am, my lord.

7121. Was there or was there not any mark on your wrist from those irons?—Yes, my lord. One day I counted eight marks, five from the iron, eight marks that left blood.

7122. There were on my right marks that left blood?—Yes, my lord.

7123. Did you remain in the same cell during those 35 days that you had been in before?—No, my lord.

7124. Where were you removed to?—The cell in

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(Exam.)
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(Prisoner).

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which I committed the offence I was removed out of some days after the offence was committed.

7123. And where were you placed?—I was placed in a cell some six cells further down in the ward.

7124. A cell of the same class?—A cell of the same class, my lord.

7125. (Dr. Lyons.) How soon after the commission of the offence were you removed?—I cannot exactly say, sir.

7126. (Chairman.) You were removed, you say, to another cell of the same class?—Yes, my lord.

7127. And at the end of 35 days were you released from iron?—Yes, my lord. I was brought back to the same cell in which I committed the offence before the irons were taken off my hands. Captain Hardy, the deputy governor, before I was released from the irons, read a paper which he said came from the board of directors regarding the punishment which I was to receive. After reading the paper Mr. Allison who accompanied him asked would he remove the irons.

7128. (Mr. Brodick.) Mr. Allison was a principal warder, was he not?—He was principal warder. He asked him would he remove the irons; Captain Hardy said yes.

7129. (Chairman.) And were the irons then removed?—The irons were then removed, my lord.

7130. By Allison?—By Allison.

7131. You then returned to the same state that you were in before you committed the offence?—Yes, my lord; but one day, the day after, I think—I am not sure now as to the time—but on the day after Mr. Allison came and put on the irons again.

7132. In Mr. Allison here now?—He is not, my lord; and they were left on for two days in the same manner in which I wore them before; that makes 37 days.

7133. At the end of those two days were they taken off?—Yes, my lord.

7134. In the presence of the deputy governor or governor?—No; in the presence of neither of them. Mr. Allison took them off and I have not seen them since.

7135. (Mr. De Vere.) Had there been any further report or complaint against you in the period between when the irons were taken off and put on again?—Yes, sir; I am going to tell you that.

7136. (Chairman.) What further offence was there?—When I was absent from the cell, a water-closet had been constructed in it with a flag, a slab covering it, and no lid to cover the aperture; I had examined of a tap that was inside to let water to this, and I used it; so I did not like the affair, and after seeing it I kept the water running; kept it running.

7137. Was that an offence for which you were punished?—That was an offence for which I was punished, my lord. I was removed from the cell during those two days, and when I returned to it after those two days—yes, I think after the two days—the tap was moved to the outside so that I had not command of it then, but when I used the closet I should ring the bell and tell the officer to turn the tap and let the water on.

7138. (Dr. Lyons.) Was it for that offence that you were treated the second time?—Yes.

7139. (Chairman.) Is that so?—It is so. I must be particular; I am here it is said I was violent, very violent. I must be particular, my lord, in bringing before you the necessity of examining witnesses as to what violence they saw me use, for I used no violence.

7140. What document is that which you hold in your hand now?—Oh, my lord, this is what purports to be a report of the examination here by Mr. Stappford as to my being in irons these 35 days.

7141. Where is that extracted from?—It is read by Mr. Bruce. It is from the "Irishman" newspaper. It purports to be read in the House of Commons by Mr. Bruce in reply to Mr. Moore.

7142. What is the date of it?—August the 14th, 1869, my lord.

7143. It purports to be read by Mr. Bruce, you say?—It is Mr. Bruce's reply to Mr. Moore's speech,

7144. What statement is there in it that you wish to comment on?—That I was violent.

7145. Just read the extract please?—Mr. Bruce said, that as this was a question affecting the character of public servants, he hoped that by the indignance of the House he might be allowed to address them again on a motion for adjournment. He was anxious first of all that it should be clearly understood that this punishment, whether excessive or otherwise, was inflicted upon Ross for an act of insubordination only. The complaint was that he had his hands tied behind his back for 35 days, and it was added in the Irish newspaper that he had been manacled day and night, so that at meal times he had to lap up his food like a dog. In reply, he, Mr. Bruce, said that this was not true; that the prisoner had to be manacled for an act of insubordination, but was manacled only during a part of the day and not at all at night or when he had his meals. In consequence, however, of the statement made by his honorable friend, he ordered an inquiry by one of the directors of prisons. Major Farragher, the deputy governor, who was present at the interview between his honorable friend and the prisoner, said that the latter gave a somewhat account to that given by his honorable friend. Major Farragher said that 'the prisoner stated that he had his hands handcuffed behind his back for the greater portion of 35 days, and that he had frequently to eat on his belly like a dog, and he gave the exact dates. Mr. Blake and Mr. Dowling then expressed themselves satisfied with everything concerning the prisoner's treatment, with the exception of this one point, viz., the mode and duration of his being handcuffed.' The governor was then called upon to explain what had actually occurred and what was really the punishment inflicted upon this man. He would read the questions and answers:

"Did you give an order that the convict O'Donovan should be placed in handcuffs after he had committed the assault on the 10th of June 1869, and if so, state the circumstances under which it was given?"

It was not the 10th of June, it was the 16th of June, my lord.

7146. (Mr. Brodick.) You believe it was the day before you were manacled that you committed the assault?—That I committed the assault, yes.

7147. (Chairman.) Now go on?—This is Captain Farragher's answer:—"The day after the assault was committed I went on leave for three days, giving over charge to Captain Harvey, who requested to know before I left whether I would authorize his placing O'Donovan Ross in handcuffs with his hands behind him, the prisoner being then in such an excited state that some severe measure of restraint seemed requisite. I authorized his doing so provided they were taken off at night."

"Do you remember how long he was restrained by being handcuffed behind his back?—As I was absent on leave I cannot say, but on being called upon to state in May last the length of time passed by Ross with his hands behind him, I sent for the warder who had been doing duty in the separate cells, who stated that to the best of his belief it was only for one day."

7148. Who was that warder do you know?—I do not know, my lord, he is not given here. I suppose Mr. Allison, the warden in charge of the cells.

7149. Go on?—"To convince myself of the truth of this statement I desired him to bring me his 'separate cell book,' which confirmed his statement. I also sent for the 'chief warder's occurrence book,' which corroborated the entry in the 'separate cell book.' I then felt no further doubt on that subject and considered the evidence thus produced quite conclusive."

"On subsequent visits after the assault, was the prisoner handcuffed behind his back?—I have no recollection of ever having seen him with his hand-

" cuffs behind his back. No order was given by me for him to be handcuffed behind his back between the 16th of June and 23rd of July 1868, nor has he ever been so restrained more than a few hours at a time, except on the occasion above referred to."

" The chief warder was asked: 'Were you in charge of the separate cells on the 16th of June 1868 when the convict O'Donovan Rossa was confined for an assault on the governor?'—Yes."

" Was he placed in irons on reception at the separate cells?—To the best of my belief he was not."

" Was he ever handcuffed with his hands behind his back?—He was."

" How often and when?—I cannot exactly say, but whenever the governor's order was given for the use of the handcuffs it was invariably entered in the separate cell book. It is so long ago that I cannot exactly say how long he was handcuffed."

" Was he handcuffed behind for so long a period as one month?—Oh no, I doubt whether the period extended to three days."

" Were the handcuffs invariably removed at meal times and at night?—Yes."

" Do you remember the prisoner's being placed in handcuffs on the morning of the 17th June 1868, and who gave the order?—I cannot give the exact date, but it was on the morning the governor went on leave after the assault, Captain Harvey gave me a verbal order personally, but I cannot remember whether he specified the hands being behind the back or not."

" Would you place the handcuffs behind without an order to that effect?—No."

" Is it customary to record in the "separate cells book" all cases of prisoners handcuffed behind?—Yes, in all cases."

" You cannot state the exact time the prisoner was kept in handcuffs behind. Do you think it could have been a week, of course assuming that they were removed at night?—I do not."

" Captain Hardy, the deputy governor, was asked: 'Were you on duty as deputy-governor on the 16th of June 1868 at this prison, and do you remember the convict O'Donovan Rossa being under punishment in the separate cells for an assault on the governor?—I was on duty on the 17th and 18th and remember the occurrence. I think I visited the prisoner in the separate cells on the 16th."

" Was O'Donovan Rossa then in handcuffs?—Yes, with his hands behind his back."

" Did you visit him after that?—Not daily, but alternately, day by day with Captain Harvey."

" Did you see him more than once with his hands behind his back?—Not more than once and that was on the 18th."

" Mind, my lord, this gentleman is the same gentleman who I said came after the 35 days and ordered the irons to be taken off me. He said he only saw me on the 18th."

" 7162. Captain Hardy or Captain Harvey?—Hardy, my lord, I understood he is in Gibraltar now."

" After the third day following the assault can you say with confidence whether the prisoner had his hands behind his back, during the remaining portion of his punishment?—I am confident he had not."

" During the time the prisoner was handcuffed behind were the handcuffs ever removed?—Yes, at night and at meal times."

" He admitted that some doubt existed as to the length of time that the prisoner had been handcuffed, whether that period was not 35 but one, two, or three days."

" 7163. Who admitted that? Is that Mr. Bruce's speech or Captain Hardy's evidence?—The deputy governor, I think, my lord. (*Hands the paper to the Chairman.*)

" 7164. Oh, this is an observation of Mr. Bruce's."

The marks of quotation are put behind and before?—Yes, my lord, I did not observe that. (*Witness gets back the paper.*)

" He admitted that some doubt existed as to the length of time during which the prisoner had been handcuffed; whether that period was not thirty, but one, two, or three days. Then came the evidence of Dr. Burns, the medical officer, who was asked:—

" Did you visit the prisoner daily while he was under confinement?—Answer: 'I did.'

" When you visited him was he handcuffed?—He was."

" How was he handcuffed, with his hands behind his back or in front?—Part of the time in front: part of the time behind his back."

" Did you often see him handcuffed behind his back?—Answer: 'No.'

" How often did you see him so handcuffed?—Three days."

" Did the three days you speak of follow immediately after month?—Yes."

" How was he handcuffed for the remaining portion of the time?—With his hands in front."

" Do you think that as a means of restraint it was necessary to handcuff him behind?—Answer:—

" Yes, he was in a very excited state for some time."

" There was also the evidence of chief warder Turner, who being asked whether he saw the prisoners?—It should be prison?—handcuffed behind answered in the affirmative, adding, in reply to the question 'how often,' 'I cannot say the exact time, whether one, two, or three days; there is only one entry of the prisoner being handcuffed behind, and that was on the 17th of June, the day after the assault.'

" Then there was the following note of Captain Stephen: 'The books are examined, and I find only one entry of the prisoner being handcuffed behind, and that was on the 17th of June 1868. There are other entries of his having been handcuffed, but not behind. It appears to be the invariable practice to enter all prisoners handcuffed behind as a matter of restraint in this book.' That is the speech, my lord."

" 7165. Having read that, and observed what was stated then, do you still remain of opinion, and are you prepared to tell us that it was for 35 days?—Yes, my lord."

" 7166. (*Mr. De Vere.*) And that those days were following on another?—Yes, Mr. De Vere."

" 7167. (*Dr. Lyons.*) Why do you remember so distinctly that the number of days was thirty-five?—I fixed them in my memory at the time, and the suffering that I endured, and the acts on my hands and everything, made a very vivid impression on my memory; and, my lord, at the expiration of those 35 days, 26 days' bread and water commenced. The date of the commencement of the bread and water must be in the prison books, and from the time I committed the offence until I got the bread and water, until the director's order was read for my punishment, I was in irons all the time."

" 7168. After the 35 days you were put on bread and water?—Yes, Mr. Lyons."

" 7169. (*Chairman.*) You say that the commencement of the 26 days' bread and water would be recorded in the prison books?—I think so, my lord. I think all these punishments should be recorded in the prison books."

" 7160. (*Dr. Lyons.*) Can you state anything else which makes you remember so distinctly that the period of time was 35 days?—No, I cannot, Mr. Lyons."

" 7161. Could you refer to the testimony of anybody to corroborate your own statement that you were handcuffed with your hands behind during 35 consecutive days?—The officers who handcuffed me and who used to change the irons. I have, I think, in my memory the names of a dozen officers who were near me at the time."

" 7162. Will you name them?—Yes."

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J. O'Sullivan
(Witness).
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7163. (Chairman.) I suppose Alison was too?—Yes, he was the acting officer of the watch, my lord. Officer Alison put the irons on the first day.

7164. (Dr. Lyons.) Did he take them off the last day?—He took them off the last day.

7165. Who else?—Officer Brown used to put them on every morning nearly. Another officer might come when he would be off duty; but this officer Brown I remarked was the officer that put them on early in the morning; officer Douglas in the evening nearly.

7166. Took them off?—Changed them at supper time from rear to front.

7167. Who else?—Officer Good occasionally took me to exercise, and changed them for dressing, officer Marshall the same way—for exercise.

7168. Who else?—Occasionally at dinner time, and other occasions which I cannot particularise, Cranstoun.

7169. (Chairman.) Is he also a wander?—He is an assistant wander, I believe, my lord. Cranstoun, Hilbert, Thompson, Robertson, Roland, Penniford, Norton, Giddings; that is all I have, but there are a few who I think changed them, but their names I cannot remember.

7170. (Mr. De Vere.) All those that you have mentioned were occasional attendants?—Occasional attendants. All these I am sure had something to do with it.

7171. (Mr. Bradrick.) How many of those that you have mentioned are still in this prison?—I understood from my wife here before that officer Douglas had resigned.

7172. (Chairman.) Do I understand that you mention these names as the names of persons whose evidence you would wish to be taken in support of the statement you have?—Yes, my lord, if any statement is contradicted.

7173. (Dr. Lyons.) Now I want to know from you, can you name any other persons, prison officers, prisoners, or any other persons, who in any way can testify to what you allege, that you were during a period of 35 days in irons?—I can Mr. Lyons. The first or second day that I had them on, the second day I think, the reverend Mr. O'Sullivan, the chaplain visited me in company with another priest who was chaplain of Portland prison. But then they all agreed that I had the irons on this day. That was the 17th or 18th of June. It would be unnecessary to bring the priest of Portland prison, for this was the day he came and there is no question of that day, so that there is no necessity for bringing him.

7174. (Chairman.) That is not one of the days disputed?—It is admitted, my lord.

7175. Did I not understand you to say that Mr. O'Sullivan may only speak of one day?—The chaplain of Portland prison, my lord.

7176. (Dr. Lyons.) Can Mr. O'Sullivan speak of other days? Can he speak of any of the days that are in dispute?—Yes; I recollect that after the committal of the offence, Mr. O'Sullivan was absent some weeks, perhaps between two and three weeks. He came in one day after his absence. He said the directors was coming that day and that if I would express regret, or would make an apology, or say that I was very sorry, in fact, express my regret, that it would all end in nothing, and I said I could not; and I would see the director and see what he would say on the matter.

7177. (Mr. Bradrick.) Who said that?—Father O'Sullivan.

7178. (Dr. Lyons.) You say that Mr. O'Sullivan saw you when three weeks of the hand-cuffing had elapsed?—About three weeks. Yes; and on this day also, the director visited the prison.

7179. On what day?—The day Mr. O'Sullivan was with me; so that that date must be on record in the books—the date of the director's visit to the prison.

7180. Who was the director?—Captain De Caze.

7181. He visited you the same day?—He visited the prison and I was taken before him; but the irons were taken off before I was brought before him, and put on again after I came from him.

7182. The irons were taken off before you were carried before Captain De Caze, and they were put on again after you were brought back?—Yes.

7183. Where else do you refer to?—Another day I distinctly recollect Father O'Sullivan coming in, and from the blood that had trickled from the marks on my wrists, I had written on the door, "Night I not cry out blood for blood?"

7184. How did you write it?—I wrote it by scratching.

7185. (Chairman.) Was that before you went into the presence of the director?—I think it was after it, my lord.

7186. (Dr. Lyons.) Could you fix the date of it in any way?—I could not.

7187. How long had you been manacled at that time?—I might have been three weeks manacled at that time.

7188. (Mr. De Vere.) What were the words that you wrote?—"Night I not will cry out blood for blood." He took out—

7189. Who took out?—Mr. O'Sullivan, a white pocket handkerchief, and said he "That must not be there, that is awful," and he was taking his handkerchief to wipe it out. "Oh, sir," said I, "I would not have you soil your handkerchief," so I said I would wipe it out. He asked me would I wipe it out, and I said I would, and I wiped it out after it was left the cell. I mention this, for I think he must recollect the circumstance.

7190. (Dr. Lyons.) Then it was not seen or reported by any of the warders?—No, it was not, Mr. Lyons.

7191. Can you in any way fix the date on which Father O'Sullivan saw the blood?—I cannot.

7192. (Mr. De Vere.) Was it before or after the visit of Captain De Caze?—I think it was after, Mr. De Vere, but I cannot be positive. I think it was after.

7193. What reason had you to fix in your mind that it was about three weeks after the man-cuffing had commenced?—Because Father O'Sullivan was absent for a long time after the man-cuffing commenced, and I have nothing to guide me, only that he could not have seen it until he came back.

7194. (Dr. Lyons.) When you speak of blood flowing from your wrists, was the blood fresh?—I thought the blood could be put on without lifting me, and some officers used to put them on without hitting me, but some used to put their hands and press the iron and they would bite. The officers who bit used to let the iron hang on the wrist.

7195. I asked you was there much blood, or were you much cut by the irons?—A few of them cut me very severely.

7196. Are there any marks of the irons, remaining still?—There is one mark there (showing the back of his wrist), but I cannot say there are marks, except marks that are small. In fact I may say they are nothing.

7197. Did you suffer much from the cuts or scrapes?—No, they did not fester. I did not care much for cuts, only the animals that I thought was displayed in treating me so.

7198. Have you any other names to mention of persons who could testify anything in regard to this matter?—I mentioned Captain Hardy and Captain Harvey. Captain Harvey was the governor in charge when Mr. Powell went. I understand he is in Portland now.

7199. What was Captain Harvey, or Captain Hardy testify to?—They were in the prison all the time during the 35 days, and one of them I think used occasionally visit every day. There is one officer I did not mention, the chief officer of the prison, Turner. I would not wonder if the Protestant chaplain saw me sometimes during those days.

7200. (Chairman.) Is it the same gentleman who is now Protestant chaplain? Yes, the Reverend Mr. Duke, my lord. I am not positive. I recollect something about books. I do not know was it at this time

he visited me. If he came, he saw me in iron. But his scripture reader used to come about every week to change books, and he must have seen me during those five weeks. On Fridays he used to come.

7201. (*Dr. Lyons.*) What is his name?—Mr. Lake.

7202. Are there any other persons who can give testimony on this point?—I do not recollect any others.

7203. Are there any prisoners who could testify anything in regard to it?—No prisoners; they had no opportunity of seeing me. I think there is an officer, and I was asking his name to-day. I do not know his name, but I know him by appearance. I think he used to exercise me sometimes. Take down his name as LYMAN, and you can inquire.

7204. What class officer is he?—He is an assistant warder.

7205. You are doubtful as to his name?—I am doubtful as to his name, and I am not positive as to his having seen me.

7206. Would you recognise the person whom you suppose by name to be LYMAN?—Yes, Mr. LYMAN. Now, other officers perhaps can be found, who saw me in the iron by the prison records; because officers from the prison come to this punishment ward on day or Sundays. They are not there on week-days, but come on Sundays when men have their Sunday on leave consequently an officer of those must have seen me. The records of the prison must tell who these officers were, who were on duty those days.

7207. They on Sundays relieved the men who were on duty during the week days?—Yes, and some of those must have seen me.

7208. But you cannot name any of them?—No, but the prison book I expect will have a record of their names.

7209. Could you recognise any of them?—I could if I saw them now, but I cannot bring them to memory.

7210. Could you recognise them if you saw them?—Well, some I think I could. I think I could.

7211. Now, could you recognise the iron which were used in your case?—I had two. The iron I had for the two days were heavier than the iron that I had for the 35 days.

7212. Were the iron that you had on for the 35 days the same, from the beginning to the end of the period?—I could not say that either, Mr. LYMAN. I am not sure of that. But I think that the iron I had during the 35 days were not changed at all from the first to the last day. No, I think not.

7213. Would you recognise the iron that were on you for the 35 days?—Well, I might; but possibly there are many others in the prison from the same mould.

7214. Is it the fact that when you were manacled with your hands behind your back, you had at any time to take your food out of a vessel by stooping down and lapping it up?—No, sir; that occurred in Millbank; that is a separate thing.

7215. I want to know did it occur here?—No, it did not occur here.

7216. It did not occur here?—It did not occur here.

7217. Did any difficulty occur here about your taking your meals, in consequence of your being manacled?—No, but that my hands were tied, and I had to lay the vessel on the table.

7218. That is occasionally, when the handcuffs were not off?—The handcuffs were in front when I was taking my meals.

7219. What is the length of the chain?—It is perhaps about four inches—about four inches or something that way.

7220. (*Mr. Broadrick.*) I see that you say in the latter part of your statement that shortly before this offence was committed the governor came to you in your cell, and on your refusing to salute him that he used the expression "I treat you with contempt?"—That was not in the cell, sir. I was manacled; I was taken before him for refusing to salute him. It

is put down as insubordinate conduct towards the governor.

7221. Then you were brought up before the governor for that offence of refusing to salute him?—Yes. When the governor would come, and when I saw the way they were treating me, I would take no notice of him but stand, and for not going to "salute" I was accused of insubordinate conduct.

7222. What passed upon that occasion, when you were taken before him on this charge?—I said that I did not mean to be disrespectful towards him, or any officer of the prison, but that I understood that I was made to see, that some of the authorities were ill-treating me and that I could not conscientiously be paying salutes to authorities that were assaulting me—or something that way.

7223. (*Chairman.*) That you would not pay salutes to authorities that were assaulting you?—Yes, to authorities that were assaulting me. I used the words "assaulting." At the same time I said it was not through disrespect to him, and he said, "I treat you with contempt."

7224. (*Mr. Broadrick.*) You are quite sure that he used the expression, "I treat you with contempt?"—I am quite sure he did.

7225. (*Chairman.*) That was Captain Powell?—Captain Powell, my lord.

7226. (*Mr. Broadrick.*) What happened after that?—I thought he would treat me with contempt to be said, but he came after that to my cell, and I just remained in the same position. Whatever position I was in when he came I remained in it, and for doing so I was again cited before him for highly insubordinate conduct and treating him with disrespect, and he gave me two days' bread and water for that, after saying he would treat me with contempt. That was not treating me with contempt; so that when the officer came again and called on me to salute the governor, I committed the offence that is stated.

7227. Had the officers before you committed that offence used violence to bring your hands into the attitude of "attention"? Had they attempted to make you use the salutes?—Yes, they had; three of them before the governor in his office.

7228. (*Dr. Lyons.*) Will you exhibit the ordinary salute?—Well, I have not been drilled, Mr. LYMAN, but it is to stand that way when the governor appears (*stands in the attitude*).

7229. What is the salute?—In Portland and Millbank, besides standing, to raise the hand.

7230. (*Chairman.*) What did the officers do?—One of the officers, ALISON, came behind me and caught me, another officer came to this hand and another to this hand, and kept me down. I went to the governor and first sized this way (*standing upright*) before him, and that was highly contemptuous. I should stand in this position ("attention") to be addressed upon.

7231. (*Dr. Lyons.*) Is the mode of saluting in this prison different from that in other prisons?—I am not asked in this prison to salute with the hand, but in Millbank and Portland I was asked to salute with the hand besides standing to attention.

7232. All that you were asked at this prison was to stand to attention?—Yes; that is what I call the salute.

7233. (*Mr. Broadrick.*) After the commission of the offence, what is the next you heard of it?—The next day I was put in iron. I was taken before Captain HARVEY and charged with the offence.

7234. Was that the day following the offence?—I am not exactly sure. It was the day following the offence, I think; the evening of that day, and he referred the matter to the directors. He said I would have paper to make a statement, but I got no paper to make a statement.

7235. He told you that he should refer it to the director?—Yes; and that if I chose to make a statement, I would get paper to enable me to do so. I got no paper to make a statement to the director.

7236. On the following day were you brought up

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before the director?—No, sir; the director did not come until about two or three weeks afterwards.

7237. Then you were placed in irons without having had any interview with the director?—Certainly.

7238. You state that you believe it was done by order of the board of directors that it was done?—I do, sir.

7239. Why do you believe that it was done by order of the board of directors?—My experience in this prison. I have often heard the governor say, "Your case is entirely taken out of our hands; we act according to the board of directors; we take our orders" and our instructions from the board of directors." I saw 23 hours sleeping from the time of my commitment of the offence, about 12 o'clock in the day until about 10 or 11 the next day, when the mail is generally delivered here from London. I calculated that they had time to communicate with London.

7240. But it was never announced to you that you were sentenced to undergo so many days' hard labour?—No, sir. No, sir; never.

7241. When the handcuffs were put on you, were you told for how long it was to be?—No, sir; I was never told how long it was to be.

7242. Were you told at the time for what offence you were so punished?—No, they did not tell me of the offence, but I understood it myself very well.

7243. Was anyone present but Alison when the handcuffs were put on you?—I cannot recollect, sir.

7244. Did the deputy-governor accompany him and order him to put on the handcuffs?—The deputy-governor did not accompany him, but my opinion is that someone came. Oh, yes; there was some officer come with Alison to put the irons on. The deputy-governor did not accompany him the first day, but there was some officer with him, for generally to offend was no insult, and this day there was an officer. Yes, I am sure there was an officer the first day the irons were put on.

7245. Did you remain in ignorance from that day forward how long they would be kept on?—Yes; I was never told how long they would be kept on anything, only when I was asked to give my hands out. Sometimes I gave them out through the bars of the gate when only one officer was there, and they would not open the gate.

7246. Did you at that time express a wish to apply to the director or the Secretary of State on the subject?—No, I did not. No, during the time I did not.

7247. When Captain Du Cane came to the prison during that time, so you inform us that he did, did you not appeal to him against that sentence?—I did not, sir. Oh no, I did not. I knew I had committed the offence, and I took the punishment without making any appeal against it.

7248. Do you remember on what account it was that you did come before him on that occasion?—I came before him. I was charged with this offence. He read out the offence for me, and he asked me what I had to say. I said, I had nothing to say; that I committed it. "Well," says he, "it is getting worse instead of better you are; it is very brutal conduct." "It is just a reflex," said I, "of the treatment I received." I was sent back to my cell.

7249. Did he thereupon say that you were sentenced to so many days' further hard labour?—He did not. He did not say anything more. That is all that he said.

7250. And you never expressed a wish to petition the Secretary of State on the subject?—No, sir.

7251. Did the officers at any time during that period attribute the injury to your wrists to your own violence?—They did not; but I recollect that one day I just showed one of my wrists to Captain Harvey; no, it was to Dr. Burns; and I said to the doctor, "These 'hose might be put on, doctor, without loosening any 'heads.'" Alison was with him, and he said, "I assure you, doctor, the greatest cure is taken in putting them on. I myself often slip him, and I have no desire to do so."

7252. Was the injury to your wrists, of which you

complain, the result of accident or the result of violence?

—No, it was the result of the manner in which the officers put them on, in baiting them long that way and pressing down the spring, and the spring going into the mortise; one was setting into the other caught me.

7253. (Chairman.) Did you, in point of fact, use violence when those irons were being put on you?—Never, during those 25 days.

7254. After throwing the water on the governor, what else did you do?—Nothing else.

7255. You did not shut your cell door in his face?—After throwing the water I shut the door in again. The gate was closed. You know these cells, my lord. The gate remained locked. The officer opened the door. The door was shut in, and I was inside, so when the officer called to inform the governor I did not stir, and the second time he called I committed the offence and shut out the door.

7256. You did?—I did.

7257. That was on the 16th of June?—I think it was, my lord.

7258. (Mr. Broadrick.) Did I clearly understand you to say that after the commission of the offence you had no opportunity given you of making your defence on the subject, before the punishment was inflicted?—No, sir.

7259. (Dr. Greenham.) Do you mean to say that you were put in irons without being asked what you had to say in your defence?—Yes, sir.

7260. On the very day that the offence was committed?—No, sir; the day after.

7261. Did Captain Du Cane not see you that day before you were put in irons?—No, sir.

7262. Did he never see you about it?—No, until about three weeks after.

7263. Can you recollect the date that Captain Du Cane saw you?—No, I cannot recollect.

7264. Did he ask you what defence you had to the charge?—Yes, he asked me what I had to say, and I said I had nothing. They told me that they would give me paper to make a reply, and they did not, and I had experience enough of what I would say not being taken down.

7265. (Mr. Broadrick.) It was then you said that it was a reflex of the treatment that you received?—Yes, when he said it was brutal conduct.

7266. (Dr. Greenham.) What food were you on at that time?—Light-labour food. An ounce of the meat, and some ounces of the bread less than the ordinary labour diet.

7267. You were not on penal diet?—No, I was not on penal diet.

7268. Between the day when you threw the water in the governor's face, and the day that you saw Captain Du Cane—which I saw was the 1st of July—did you ever refuse to put on your jacket?—Yes.

7269. Did you on several occasions refuse to do so?—Yes.

7270. Did you tell the warden that he might do it himself?—Yes. "You can put it on, officer." I felt uneasy with the jacket on, and wanted to keep it off. I said, "You can put it on if you wish; I have more freedom without it." That is officer Brown if he makes that report. It is officer Brown, for none of them asked me to put on the jacket but him.

7271. That occurred four days. On the 24th of June you refused to put on your jacket, and you did the same on the 25th, 26th, 27th, and 28th of June according to this record?—That will corroborate that I had the irons on those three days.

7272. Did Captain Du Cane when he saw you tell you what he should recommend to be done in your case?—He did not.

7273. Had you ever been punished by a director's order before?—Yes, but I never was told by a director what the punishment would be.

7274. After the director saw you, what diet were you on?—The same diet.

7275. Light-labour diet?—Light-labour diet.

7276. Then you were not on penal diet?—No.

7277. Then why were you put on bread and water again?—For the execution of his sentence. It was then the director's application came, and it was read for me 28 days' bread and water, and six months' separate confinement.

7278. (Mr. Brodribb.) When was it read for you?—It was read for me on the 27th June.

7279. (Dr. Greenock.) You were on light-labour food until the director saw you?—Yes.

7280. When the director saw you was there any change at all?—No, sir.

7281. How long after the director saw you was your diet changed?—The day the bread was taken off the diet was changed.

7282. Are you quite sure that you were in bread during 35 days?—I am quite sure.

7283. How do you know that it was 35 days?—I counted every day of them at the time, and they fixed themselves in my memory.

7284. Are you quite sure that during the whole of that 35 days you were on light-labour diet?—Yes, sir; I am.

7285. You think your memory does not deceive you about it?—Not in the least.

7286. And during those 28 days that you were on bread and water you were not in bread at all?—No, sir.

7287. I suppose, that by being 28 days on bread and water, you do not mean that you had it continuously all those 28 days?—I do, sir.

7288. Do you mean that you had bread and water for each of the 28 days and nothing else?—I do, sir.

7289. Do you mean to say that you had no change of food every fourth or fifth day?—Oh, yes; you are right, every fourth day.

7290. You were sentenced to 28 days' bread-and-water diet, but every fourth day you would change?—Oh, yes, penal-class diet.

7291. You told Lord Devon that after committing that offence your cell was changed?—Yes.

7292. Was the cell in which you were put then at all different from the previous one?—No.

7293. It was exactly the same?—Exactly the same.

7294. And you were changed back to your former cell as soon as the 35 days expired?—Yes, and it was changed in the interim. A closet was made in it, and the bed-board was also changed.

7295. At the end of the 35 days during which you were handcuffed you say that you were again handcuffed for two days additional?—Yes, sir.

7296. With heavy irons?—Yes.

7297. What was the interval between the 35 days and the two days?—Well, I think there was not more than a day.

7298. There was a day's interval?—I am not sure; but any way there was not much time between them, for when I saw what kind of a cell it was I did not like it, and I let the water run. It might be the very same day I was released; but any way there was not much time between them.

7299. Were you brought up before the governor, or any one on the second occasion before you were handcuffed?—No, sir.

7300. Were you not brought up before the governor the following day?—No, sir.

7301. You were handcuffed two days without having been brought before the governor?—Yes, sir.

7302. There was no investigation?—No investigation.

7303. You are quite confident of that?—No investigation.

7304. Are you quite sure of that?—I am quite sure of it.

7305. When the handcuffs were put on you, were you perfectly quiet?—I was perfectly quiet.

7306. You never resisted?—I never resisted.

7307. You allowed them to be put on and you were perfectly quiet?—I was perfectly quiet, and I allowed them to handle me in any way they pleased.

7308. But you did refuse to put on your jacket on several occasions?—Yes, that is so.

7309. (Chairman.) On the occasions when you refused to put on your jacket were there prisoners by?—No, my lord.

7310. Who were by?—The officers who came to put on the irons. Two generally came to put on the irons.

7311. It was within your cell you usually refused to put on the jacket?—Within my cell.

7312. On all occasions?—Yes; except that I might meet the officer at the door, and I would perhaps just say I felt better without it; that the weather was warm and he could put it on if he liked, and if he wished to put it on I would let him put it on.

7313. (Dr. Greenock.) I will now read to you the sentence which was passed on you in consequence of your throwing water in the governor's face, and then we shall try to reconcile the discrepancy that exists between it and what you state to us. The defence of the prisoner is recorded: "I decline to make any statement except in writing." This is the sentence on the 1st of July 1838: "This prisoner is without doubt guilty of the very rude and nasty conduct alleged in the charge. The governor of Chatham prison is, as is well known, no temperate and judicious a person as it is possible to find. The officers in the immediate charge of the department in which the prisoner is, are selected for their judgment and fidelity. Nevertheless, he is as stated in the evidence, and as his misconduct sheet shows, constantly guilty of acts of insubordination against the prison officers, and every allowable punishment has been tried in his case without any effect, nor does kindness seem to have any better influence on him." "I did not get much of it."

7314. "He would in an ordinary case be punished for the offence he has committed by flogging, but it is thought this punishment should not be inflicted without special authority. If it should not be thought advisable to inflict that, I can only recommend that he should be sentenced to 28 days' punishment diet in close confinement, and be placed in penal class for six months; also that to prevent the chance of his repeating tricks of this description on officers of the prison who are obliged to visit him, all movable articles and animals be removed from his cell, that whenever it necessary be made a fixture, and that he be kept in handcuffs in the daytime." That is the sentence. Therefore, Captain Du Cane on the 1st of July 1838, exactly a fortnight after you committed the offence, recommended this, which was confirmed by the board of directors in London; and it appears to me that Captain Du Cane that day ordered you to be put on 28 days' bread and water, and therefore, that you are subject to the fact of having handcuffs on 35 days, or else that you must have had handcuffs on and were on bread and water at the same time. There is an evident contradiction in your statement you see?—In my statement, sir.

7315. I mean that there is a contradiction with regard to this point. You say that you were not on bread and water within the period that you were handcuffed, but that the bread and water commenced after the handcuffing. I read the sentence to show you that you were ordered bread and water on the 1st of July; therefore, according to that, you could only have been three weeks handcuffed: "And that he be kept in handcuffs in the daytime;" that is specially ordered?—During what time, sir?

7316. During the 28 days?—I was not kept in handcuffs during the bread and water.

7317. By the sentence it appears that you must have had the two together. You had been in handcuffs before under the authority of the governor apparently, by your own statement. The record is, "That he shall not be flogged, but that he shall be sentenced to 28 days' punishment diet in close confinement, and be placed in penal class for six months; also that to prevent the chance of his repeating tricks of this description on the officers of the prison who are obliged to visit

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"him, all movable articles and utensils be removed from his cell, that whatever is necessary be made a fixture, and that he be kept in handcuffs in the day time."

7318. (Chairman.) Having heard the official record read to you of the sentence which is stated to have been then passed, do you still remain of the same opinion and still make the same statement to us, namely, that you were during 35 consecutive days in handcuffs before the bread-and-water diet commenced?—Yes, my lord. I adhere to my statement. It is true.

7319. (Mr. De Vere.) Are you prepared to say, O'Donovan Rossa, that at any time when you refused to take off or to put on your jacket you were in irons?—In the morning generally, those days that I felt warm, that I would feel uneasy with the coat on, I would refuse to put on the coat.

7320. It has been stated that on several occasions you refused to put on or take off your coat when you were required to do so?—I do not know, Mr. De Vere, about taking it off, because my desire was to have it off.

7321. On several occasions you were required to put it on?—I used not put it on.

7322. You told them that they might do it themselves if they wished to do so?—Yes.

7323. I want to know whether on each of those occasions you were in irons?—This was in the mornings, before the irons were put on.

7324. I want to know was it within the period of 35 days that you describe as being your period of being in irons?—Oh yes, sir; within that period of 35 days that affair occurred about my not desiring to put on the coat.

7325. During those 35 days, were you under punishment or under report?—I understood I was under report, that is was not considered punishment, that being in those irons was not considered punishment.

7326. When did you get notice that you were to be tried for this act of insubordination?—I believe the day after the commission of the offence that I was taken before Captain Harvey, and he told me that the matter would be referred to the director, and I would get paper to make a statement.

7327. Who told you that you should have paper to make a statement?—Captain Harvey did.

7328. Did you subsequently ask for paper?—No, I did not, but I told the priest this day that he came in and was speaking about the director, that they told me I was to get paper and I did not get it.

7329. When you were brought before Captain De Cuse did you tell him how long you had been handcuffed?—I did not, sir.

(Mr. Butts and principal warder King here brought in handcuffs.)

7330. (Chairman.) Rossa, look at those handcuffs, and see which of these kind of handcuffs was put on you. Are those all the patterns of handcuffs used in the prison?—(Mr. Butts.) Yes, my lord. (Prisoner.) These are the kind that were on me the 35 days.

(Principal warder King puts the handcuffs indicated by the prisoner on Dr. Lyons with the hands in front.)

7331. (Chairman.) Now Rossa, show how it was that your wrist was wounded?—(Prisoner.) If he pressed the spring this way it would catch, but if he pressed it this way it would not catch. If he made the pressure below it would not be fair.

7332. (Dr. Lyons.) If in closing the spring he held up the hand?—Yes, it would catch then.

7333. Did I understand you to say that you were obliged to take off your jacket while you had the handcuffs on?—No, certainly not.

7334. (Dr. Lyons, with irons on his wrists, pours water into a glass and drinks it.)—(Prisoner.) You, you could eat and drink with the handcuffs comfortably enough.

(The handcuffs were here taken off and put on again with the hands in front.)

7335. (Dr. Lyons.) For how many hours at a time, Rossa, were you manacled with the hands behind your back?—From half-past 5 o'clock in the morning until dinner hour, and from a quarter past 1 after dinner hour. Oh, by the bye, often when I used to get up from my dinner and the officer would see me taking a move about he would put them on.

(The handcuffs were removed from Dr. Lyons, and Mr. Butts and principal warder King withdrew.)

7336. (Dr. Lyons.) For how many consecutive hours were you manacled with your hands behind your back?—From between six and seven hours in the morning, that is from half-past 5 to 12 o'clock, and from about half-past 12 or a quarter-past 1 to about a quarter-past 7 in the evening. That was something about 13 hours.

7337. Did you find it excessively fatiguing, or painful, or very distressing?—Oh, certainly, sir.

7338. (Chairman.) You say they were on about 12 or 13 hours in the day?—About 13 hours a day, my lord.

7339. In two or three periods?—In two periods, my lord, from breakfast till dinner, and from after dinner until bed time.

7340. (Mr. De Vere.) You state that for 35 days, while you were under report and not under punishment, you were handcuffed?—Yes, sir; it is considered that I was not under punishment during this time, but under report awaiting sentence. That is the technical prison term "under report." Under report I was when I had these handcuffs on. The sentence was not read for me until about the 17th of July.

7341. (Dr. Greenhow.) It was not read to you?—Never, until the 17th of July, the day Mr. Harvey came to read it and take the handcuffs off, and that was the day the 28 days' bread and water commenced. The punishment commenced only then.

7342. (Mr. De Vere.) During the 35 days that you were handcuffed, you were "under report," and not "under punishment"?—Yes that is I believe what it is technically called in prison.

7343. Is not the meaning of being under report this, that the prisoner having committed the offence is not yet tried, but is under observation, or under report until he is tried?—Yes, that is the meaning of it, Mr. De Vere.

7344. Now I ask you, O'Donovan Rossa, whether your punishment during the period of 35 days that you were under report, was more severe or less severe than the punishment that you had to undergo after your sentence?—Well, it was as severe; it was more physically severe, but I did not feel the hunger that I felt in the 28 days' bread and water.

7345. You were not subjected to any irons after the sentence being pronounced?—No, when the bread and water commenced I had no irons.

7346. Was the sentence read to you?—The sentence was read to me about the 28 days' bread and water, and then the irons were taken off.

7347. Did you notice that part of that sentence would involve putting you in irons again?—There was not a word about taking off or putting on irons.

7348. You have heard the sentence read to-day?—Yes, but that sentence was not read to me.

7349. (Chairman.) That part of the sentence in which the irons is mentioned has been read to you for the first time to-day?—For the first time to-day, my lord.

(The Commission deliberated for some time.)

7350. (Dr. Greenhow.) Rossa, after being handcuffed and put upon punishment diet for 28 days, you were placed for six months in penal class?—Yes, penal class diet commenced, a punishment of six months, but I was released from that punishment about the 24 of October, I think.

7351. And during the time that you were in penal class, what diet had you?—I had dry bread in the morning and some gruel, gruel that was supposed to be boiled with milk; no milk came with it as we use it.

Ireland, and dry potatoes and dry bread at dinner, and dry gruel and bread again at supper.

7352. (*Dr. Lyons.*) Can you remember distinctly what your sensations were when you were put on the bread-and-water punishment? On the first day that you were put on the bread-and-water diet, what were your sensations as to hunger or otherwise?—Oh, I felt so hungry that I began to think of books that I read in my youth about men being pushed into places and eating rats and mice, and I recollect well the feeling I had in youth about men eating those things. I thought men could not do it, but I thought then that I could do it myself.

7353. Was that the sensation you experienced the first day?—Oh, not the first day, but often while I was in prison.

7354. Can you remember what your sensations were the first day?—I could not, Mr. Lyons.

7355. Were you hungry the first day?—No, not hungry the first day.

7356. You were not very hungry the first day?—No. Of course I was after the light-labour diet, and I was not very hungry, but I suppose I felt some slight hunger before the 28 days were over.

7357. I want to know whether you can give me any information as to your sensations when you were on the bread-and-water diet?—I cannot remember, Mr. Lyons.

7358. Were you as hungry on the second day as on the first, or more hungry?—I could not tell you.

7359. Were you more hungry or less hungry on the third day than the second?—I recollect during the time I was on bread and water at this time particularly, when I felt myself punished on a charge of libelness, although I did my work, and feeling it punishment to spend my time in dark cells, I used to make this noise.

7360. This is going into another matter?—It is not, Mr. Lyons. I beg your pardon for an apparent contradiction, it is not meant as a contradiction. I recollect I used to have some of this bread spared, even the 16 ounces that I used to take to the dark cell I used to bring back again.

7361. Was not that because you did not find the sensation of hunger?—I do not know how it was. I could spare it I thought, and from the recollection I would feel of the hunger, or not having an inclination

to eat, I used to reserve it when I could spare it, when I had not a greedy appetite, for I used not to force myself to eat. In fact I can't see it any time, but I used to spare, for I used in general to think that a worse feeling would grow on me.

7362. I want to know, can you remember when you were several days on bread-and-water diet in succession, whether the sensation of hunger increased day by day, or what happened to you in that regard?—Well, I could not tell you, Mr. Lyons. I could not.

7363. Can you tell me whether at the end of the period of 28 days on bread and water you felt as hungry, or more hungry, or less hungry, than you did at the commencement of the period?—Well, I could not say, Mr. Lyons.

7364. (*Chairman.*) You cannot give us any information on that point?—No, I cannot, my lord.

7365. (*Dr. Lyons.*) Did you feel weak?—Yes, I felt weak.

7366. Did you feel your appetite impaired?—Yes, I recollect that when the other diet came, when I would get an hour's exercise I would rather not go and take the hour's exercise. I would rather not leave the cell, and I used to feel some very reluctant to take the exercise. I would rather remain in my cell, and sometimes I would remain in my cell.

7367. Did you eat all your bread in the last days of your punishment?—Yes.

7368. In the last days?—Yes, sir. My lord, in a letter yesterday I said I would lay the papers before you. I suppose I need not lay them before you now.

7369. (*Chairman.*) We have looked at your letter, I believe you have received all the papers which under the authority of the Government you are permitted to receive. We shall proceed to-morrow to go into the other points which are mentioned in this paper and to hear your statement on them, and then we shall proceed to examine any witnesses you may desire?—Can I be present, my lord, at the examination of the witnesses?

7370. I think not. We shall ask questions framed upon what your statement is?—Won't I, my lord, have an opportunity of directing what points to ask upon, or what questions to ask the witnesses?

7371. We think it unnecessary. We shall put such questions as we think ought to be asked. At any rate we shall hear your statement first.

The prisoner withdrew.

The Commission adjourned.

Chatham Prison, Thursday, 21st July 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
SHERIFF E. DE VREE, Esq.

DR. LYONS.
DR. GREENHOW.

MR. WILLIAM P. BUTTS recalled.

7372. (*Chairman.*) Do you produce three books, Mr. Butts?—Three books, my lord, yes.

7373. Is one of them termed "the Chief Warden's Daily Report Book"?—Yes, my lord.

7374. Is another of those books called "the Separate Cells' Book"?—Yes.

7375. And is the third "the Governor's Journal"?—Yes.

7376. In whose custody, and by whom is "the Chief Warden's Daily Report Book" kept?—By the chief warden.

7377. Who is the chief warden of the prison at present?—Turner.

7378. Was he here from the 1st of June 1868 to the last day of August of the same year?—I cannot state that he was here at the time, but he was chief warden of the prison. He may have been on leave.

7379. He was responsible for keeping this book?—He was, unless he was on leave.

7380. With regard to the "Separate Cells' Book," by whom is it kept?—By the officers in charge of the separate cells.

7381. Who, during the three months that I speak of, June, July, and August 1868, was the officer in charge of the separate cells?—I could not tell you, my lord. It is signed every day by the officer in charge.

7382. With regard to the governor's book, that is in the custody, I presume, of the governor or acting governor?—Yes, my lord.

7383. (*Mr. Brodrick.*) Are you acquainted with the handwriting of Captain Powell?—Yes, I know it quite well.

7384. And are you also acquainted with the hand-

J. O'Donnell
(Barrister).
20 July 1870.

Mr.
W. P. Butts.
21 July 1870.

36.
W. P. Butts.
21 July 1876.

writing of Captain Harvey?—No, I am not acquainted with his handwriting.

7385. (Chairman.) These books, Mr. Butts, contain various entries in respect to the prisoner Jeremiah O'Donovan Rossa between the 17th of June and the end of August. We should be glad if you will have a copy made in a tabular form of all those entries beginning the 16th June, and up to the 31st of August, in each of these three books, first the *Separate Cells Book*, second, the *Chief Warden's Daily Report Book*, and third the *Governor's Journal*; a column for each book, and the date at the side. Will you be kind enough to have a copy made out for us of the entries in these three books, each under the heads I have now given relating to O'Donovan Rossa, and, as far as possible, where they belong to the same day, putting them in the same line? (The shorthand clerk stands the witness a form.)—Exactly, my lord. You want them side by side.

7386. We observe that in two at least of these books, namely "the *Separate Cells Book*," and "the *Chief Warden's Daily Report Book*," the entries regarding this prisoner, O'Donovan Rossa, with very few exceptions, are marked with a cross in black ink. Are you able to tell us by whom and when those marks were made?—I cannot, my lord. I never saw the books until I gave them to you to-day. They were sent down to me and I looked them up, and unlocked them this morning.

7387. Will you specify in an additional column of observations the entries that are so marked with a cross?—I will, my lord.

7388. These are books which you have received this morning from the custody of the directors?—No; they were sent down to me some weeks ago.

7389. From whom were they sent to you?—From the directors.

7390. (Mr. Brodribk.) Does that apply to the *Governor's Journal* as well as to the other two books?—These three books came down together.

7391. (Dr. Lyons.) Do these books belong to the arrangements of this prison?—They do.

7392. Then they were for some temporary purpose at the central office in London?—They were; at least, I suppose so.

7393. Can you state how long they were out of this prison?—I cannot.

7394. Is there no record in this prison of the period in which they were sent out?—Most likely. I should say there is a letter asking for them.

7395. Is it usual to take or get a receipt for such materials when they are sent out?—I cannot say.

7396. (Chairman.) Perhaps you will see if there is any letter from the directors, requesting that these prison books should be sent up to them?—I will, my lord.

7397. (Dr. Lyons.) And also you will be good enough to ascertain if they were more than once out of the prison during the last two years?—Yes. (The witness retired for a short time.) I think the deputy governor took them up himself and left them. I think that possible. Please let me look.

7398. (Chairman.) There is no record of it here?—I will look in the journal, my lord. (Witness returns after a short absence.) No, my lord, I cannot find any record. It appears that the deputy governor took them up himself and left them there, and that they were there since. Why they were sent down I cannot say.

7399. (Mr. Brodribk.) Is there any record of that?—It ought to be entered in this journal.

7400. (Chairman.) Mr. Butts, you stated that you

The witness withdrew.

have recently received those three books from the office of the directors in London?—Yes, my lord.

7401. Are you able to inform us under what circumstances, and when they were sent from this prison to that office?—I find so entry, my lord, in the *Governor's Journal* on the 18th of August 1869, by Major Farquharson, deputy governor. He says:—"I gave over charge of the prison for a few hours this afternoon to Mr. Turner, the chief warden, from 3.42 p.m., having received a telegram from Captain Stophard, the director, to proceed to Parliament Street as soon as possible. After my interview with the director, and having left with him the 'Governor's Journal Book,' the 'Chief Warden's Occurrence Book,' and the 'Separate Cells Occurrence Book' for June 1869 I returned to Chatham by the 6.35 p.m. train from Victoria."

"JAMES G. FARQUHARSON,
Deputy Governor."

7402. (Dr. Greenwood.) What date was that?—This was on the 18th of August 1869 when he took them up.

7403. (Mr. De Vere.) Are those three books from which you are now asked to make some returns, books for the authenticity of which the prison authorities are responsible?—Certainly.

7404. They are kept by three different persons; by the governor, the warden in charge of the cells, and the chief warden?—Yes.

7405. Do they come under the inspection of the principal governor?—The governor examines all the books, and is responsible for every book in the prison.

7406. The governor for the time being is therefore responsible for the authenticity of these three records which have been produced here to-day?—Certainly.

7407. I think you said you would have a column of observations in the return you are going to furnish, so as to show therein the entries which are marked in these books with a cross?—I will.

7408. (Chairman.) We shall be obliged to you if you give an exact verbatim copy of every entry?—Yes.

7409. (Dr. Lyons.) Have those books been since the 18th of August '69 in London, until the period when you say they were recently transmitted back again?—I cannot state positively.

7410. Can you inform yourself in any way from the prison books whether they were or not?—I will try and find out. I can only tell the day they were sent up. I knew I received them the other day in a parcel.

7411. What day did you get them?—I cannot tell you, but I will examine and try to find out.

7412. Would you be good enough to examine and endeavour to find out whether the books were kept in London until they recently came back, or whether they were received back before the last occasion on which they were returned to you?—I will. Mr. Turner, the chief warden, is here. He was chief warden I think at the time.

7413. Who is responsible for this "Separate Cells Book"?—The warden in charge of the separate cells.

7414. Was he here at that time?—Yes; he is not here now, he is at Woking.

7415. (Mr. Brodribk.) Was it Alison, or who was it?—It was Alison, he is now chief warden at Woking.

7416. (Dr. Lyons.) Who is now in charge?—Principal warden King, I think.

EDWARD TURNER EXAMINED.

7417. (Chairman.) You are the chief warden of this prison, I believe?—Yes, my lord.

7418. How long have you been so?—Eight years and one month, my lord.

7419. Have you been chief warden for that time?—Yes, my lord.

7420. For the last eight years and one month?—About that, a few days more or less.

7421. Is it a part of your duty to keep this book, "the Chief Warden's Daily Report Book"?—It is, my lord.

7422. Are the entries in this book in your own handwriting?—The majority of them, my lord.

7423. At any rate you are responsible for them all?—Only those in my writing.

7424. With the exception of those days when the handwriting is different from yours you are responsible for the entries made?—Yes, my lord.

7425. Were you keeping this book in the months of June, July, and August 1868?—I beg your pardon, my lord.

7426. In the months of June, July, and August '68, was this book in your charge?—The principal part of that period.

7427. And was it your duty to make entries in it at that time?—It was, my lord.

7428. Did you make all the entries that were entered in it during that time?—I could not tell without referring to the book, my lord. Of course I might be on leave or something of that kind. I could easily tell on reference from day to day whether it is in my handwriting.

7429. Is this in your handwriting, "July 22nd, J. O'Donovan Rossa placed in handcuffs at 6.45?"—It is, my lord.

7430. Is this in your handwriting, "June 17th, J. O'Donovan Rossa placed in handcuffs?"—It is, my lord.

7431. Are all the entries made in that handwriting in your writing?—All in that handwriting are mine, my lord. There are some during those months in Mr. Scrutton's writing.

7432. (*Dr. Lyons.*) How are you cognizant that the prisoner O'Donovan Rossa was put in handcuffs when you made the entries?—Sometimes it would be sent by the principal warder, at other times by Warder Brown, and from frequent visits, not daily, but during the period he was in handcuffs. I received it from them, a memo. on a scrap of paper, "Rossa" placed in handcuffs at a certain period, and released "at a certain period," a copy of which I placed in my journal.

7433. Do you know how long he was in handcuffs?—I do not not know without reference to the book. I could not state positively.

7434. (*Dr. Greenock.*) Have you any means of ascertaining how many days his handcuffs were placed with his hands behind his back?—I have not, sir, except by reference to the book.

7435. I hold in my hand "the Separate Cells' Book" for the same period, and I observe on Wednesday the 17th of June the following entry: "J. O'D. Rossa" placed in handcuffs behind by order of the governor?"—Yes, sir.

7436. I observe in this same book an entry that O'Donovan Rossa was released from handcuffs. It records then each day that he was handcuffed again at a certain hour in the morning, but I do not see that on any subsequent occasion it is mentioned that the handcuffs were placed behind him. Now in these any means of proving whether that was so or not?—Does this entry imply that they were always put behind him?—Will you allow me to explain. I think the rule in the service is this: the governor if he directs a prisoner to be placed in handcuffs, that means handcuffs in front; but if the governor wishes to place them behind he would give directions to that effect, and a note would be made in the Separate Cells' Book. I think that is the rule throughout the service, to show the difference between placing handcuffs in front and behind.

7437. That is entered here one day, the 17th of June 1868, but entries without that go on from that time until he was finally released from handcuffs?—Well, as I did not hear the order given, or receive the order, I am unable to say, sir. I know nothing of who gave the order or who received it.

7438. (*Mr. Bredrick.*) Did you personally see O'Donovan Rossa during the last half of June, or the first half of July '68?—I did, frequently.

7439. Did you see him handcuffed behind?—If I gave my evidence without reference to that book, if I

had to recollect the matter, I should have said that I saw O'Donovan Rossa only in front behind, one, or two, or three days.

7440. Is it your belief that you did see him during that period with his hands handcuffed behind his back?—Only on one occasion, sir; because I have such faith, sir, in my own book, I felt satisfied he has been only that one day, because it would be shown if he had been more. Even if I had to give evidence without that book before a body of gentlemen, as you are, I should have thought the matter over, and said, "Gentlemen, he was perhaps two or three days handcuffed behind;" but from the supervision it seems to me the books are correct, both the Separate Cells' Book, and the Warders' Book. Warder Brown is a very correct man, a regular correct man. He is the person that made the entries there for the principal warder, who was at the time assigned photographing.

7441. (*Chairman.*) When you speak of "the entries," it is the entries in the Separate Cells' Book you allude to?—Yes, my lord.

7442. (*Dr. Lyons.*) Will you look at this book, please. Do you identify that entry as Warder Brown's writing?—To the best of my knowledge, sir, it is. I think I could almost—

7443. Look carefully at it, and tell me?—To the best of my knowledge, sir, that is Warder Brown's handwriting, I think. That is principal warder Alison's, who is now chief warder at Woking. I could swear that that is his.

7444. That is, Thursday the 18th of June 1868?—That is chief warder Alison's, sir, and that also, sir. I am almost prepared to swear that is chief warder Alison's, sir.

7445. (*Chairman.*) Besides Alison and Brown, was there any other warder who had to keep a portion of that book during those three months of June, July, and August 1868?—I could not say, my lord, without reference. In fact I know two Sundays out of the four, my lord, Mr. Brown would be absent on leave, and therefore the book was kept by other officers.

7446. Are you quite sure that Alison and Brown would be the two men who would keep the larger portion of those entries?—Certainly, my lord.

7447. (*Dr. Lyons.*) There is another entry here, on the 19th of June, "Jermiah O'Donovan Rossa, handcuffs replaced;" whose writing is that?—I should imagine that is Warder Brown's, sir.

7448. Are you positive that this is Warder Brown's writing?—Well, I think it is, sir.

7449. Do you undertake to identify it?—Well to the best of my knowledge it is Warder Brown's, sir.

7450. Here is another entry on Sunday the 12th of July 1868, "J. O'D. Rossa placed in handcuffs;" whose writing is that?—Well, that is not exactly the same as this, sir, on Sunday the 19th. Mr. Brown was on alternate Sundays absent. Now that is not precisely the same writing.

7451. Whose writing is that, do you know?—That is Mr. Brown's, sir.

7452. That on the 18th?—On the 19th it is Mr. Brown's, but not the other, sir.

7453. (*Chairman.*) Can you identify the other?—It is two years ago. Let me see, who was in charge Mr. Brown no doubt could tell, but I am inclined to think it was Warder Douglas.

7454. (*Dr. Lyons.*) Is Warder Douglas in this prison now?—No, he resigned I think twelve months ago.

7455. But this entry of the 17th of July 1868 is not in the handwriting of Alison or of Brown?—I am sure it is not Alison's, sir, for he has a better style of writing.

7456. (*Mr. Bredrick.*) Is it not a rare thing to handcuff a prisoner with the hands behind his back?—It is, sir.

7457. Would it or would it not be likely to attract your attention, if you saw the prisoner with his hands handcuffed behind his back?—Well, sir, as I mentioned before, sir, I certainly think perhaps two or three days

E. Foster,

31 July 1870.

E. Turner.
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I should have said, if I had not any reference to the book; but as a rule they are handcuffed in front.

7452. Would it not be likely to attract your attention if you saw a man with his hands handcuffed behind?—I should think it would, sir.

7453. Is it or is it not your impression, without thinking of the book, that you did see O'Donovan Rossa on more than one occasion with the hands handcuffed behind him?—Without reference to the book, if called expressly, I should have said perhaps two or three times.

7454. Would it be the duty of the warden to copy into the Separate Cells' Book an entry of the fact of the hands being handcuffed behind?—Most undoubtedly it is his duty; it was his duty to have done so, sir; if handcuffed behind to have written the word "behind" to distinguish it.

7455. Then does your doubt as to whether O'Donovan Rossa was handcuffed behind arise from your confidence in the accuracy of the men who kept that book?—Yes, sir, and my own; yes, sir, it does.

7456. You have no other reason to doubt his hands having been handcuffed behind his back but your confidence in the warden, who were in charge of him?—Well, I certainly think that if he was handcuffed behind during the whole period he was in London I should have been aware that such was the fact.

7457. How should you have known it?—From conversation, from hearsay. I visit the cells.

7458. How often do you visit the cells?—I am not able to say the precise time he was handcuffed, but I have no doubt that I visited him four or five and twenty times during that period, during the period of the time that he was in handcuffs.

7459. You have stated that your own impression, without reference to the book, would have been that you saw him two or three times with the hands handcuffed behind. Can you recollect whether those occasions of which you are now thinking were two or three consecutive days, or that they were at longer intervals?—Well, sir, I really could not say, but I do not think it could have been at intervals. I think it must have been consecutive if it was at all. I do not think at intervals; no, sir. I must have thought the matter over since the excitement of the matter, sir, and certainly I should not say whether it was consecutive or at different periods; but I am inclined to think the book is correct, and that he was only placed in handcuffs as Brown wrote.

7460. (Chairman.) Are there any persons besides Alison and Brown who could give us information?—There are, my lord.

7461. Who else?—Assistant warden Crumson. He did duty in the separate cells I think at the time.

7462. (Dr. Lyons.) Is he here now?—He is, sir; I saw him not a quarter of an hour ago. Will you allow me to state, my lord, no two individuals living can throw such light on the matter as Alison and Brown; Alison, because he received the order, and no doubt carried it out. Allow me to say one thing, I being chief warden, chief warden I think since the treason-felony man were specially located to the penal cells, I have not on any occasion from their reception to the present moment received any instructions respecting them; all orders have been given to the principal warden in charge, as he was immediately on the spot. I had to visit the public works twice, and all orders have been given to the principal warden in charge of the cells.

7463. (Dr. Greenleaf.) Take your own book, the Chief Warden's Book, look at it, and tell me if you can ascertain from it whether O'Donovan Rossa was handcuffed with the hands behind or in front. Begin with the 17th of June 1868?—The 17th of June 1868, sir, Jeremiah O'Donovan Rossa placed in handcuffs behind by order of Captain Harvey, and they were removed at 7.30 p.m.

7470. Look to the 18th?—Placed in handcuffs at 5.45 a.m., and removed at 7.30 p.m.

7471. Does that mean behind or in front?—In front, sir.

7472. You are quite sure that the second entry on

the 18th means that they were placed in front?—Yes, sir.

7473. (Mr. Brindley.) Might it not very well happen that inasmuch as the order for handcuffing behind was duly recorded on June the 17th, the expression "handcuffed" in subsequent entries might mean the same thing, namely "handcuffed behind"?—I think not, sir. Mr. Alison received the order, sir. The officer giving the order and the officer receiving it possibly may throw light on it. I think it possible, if Alison received instructions on the morning of the 18th, or on the evening preceding, that he received his instructions whether it was in front or behind.

7474. (Chairman.) But you are speaking on supposition?—Supposition, my lord.

7475. In point of fact the persons who can tell us Mrs. Alison, Brown, and Crumson?—Yes, my lord; and Captain Harvey is a most important witness.

7476. (Dr. Greenleaf.) Is Captain Harvey here now?—No, sir; he is gone to Portsmouth. It states there distinctly that the order was given by Captain Harvey.

7477. (Mr. De Vere.) Did you ever see the handcuffs actually in process of being put on O'Donovan Rossa?—Never in my life, sir; or yet removed, sir.

7478. I suppose in the course of your life you often had to put on handcuffs?—I have nearly 21 years' experience, sir.

7479. Is it possible that in putting on handcuffs there may be an injury done, or a hurt done to the wrist?—It is, sir, if there is not caution exercised on the part of the officer; if the prisoner is at all violent or makes resistance.

7480. Will you explain how the injury or hurt may be done?—By the snapping of the handcuffs; the point of the handcuffs in doing the spring would come in contact with the flesh if the prisoner resisted; but I see no necessity for any injury if the prisoner held up his hands.

7481. Would the effect of the injury be to produce a wound, or to draw blood?—Nothing very great, I should imagine.

7482. I do not speak of an injury of a severe character?—A slight mark.

7483. An abrasion?—An abrasion of the skin might be caused, sir.

7484. If continued for a great number of consecutive days, would it produce a great amount of injury?—It would, sir, if allowed, but the medical officer would step in. Those under punishment are visited by the medical officer, and they make complaints to him if necessary.

7485. Are they examined?—I cannot say they are examined. The doctor visits the prisoners.

7486. Does he ask questions of the prisoners individually?—Well, I could not say, sir.

7487. You said just now that the infliction of an injury in putting on the handcuffs would depend on whether the prisoner was refractory?—It would, sir.

7488. Might it not also depend upon the carelessness, or perhaps the inexperience of the warden who put the handcuffs on?—Well, I should attribute it rather to the inexperience, sir, of the officer. We are not all so cool, and the officer might be a little nervous. I would attribute it rather to inexperience or want of nerve for the moment.

7489. The heavier handcuff is lighter than the rest?—Slightly, sir.

7490. There is what is called a freedom between the handcuff and the wrist?—There should be if the proper size is applied.

7491. Then if in putting on the handcuff it was allowed to rest on the upper part of the wrist, and was not supported from below, would the effect be the production of a hurt or injury to the surface of the wrist?—Not if the prisoner kept steady, and the officer knew how to put them on. There are many officers in this prison that never put on a pair of handcuffs.

7492. Would the possibility of an injury resulting depend in any degree on the carelessness or the

humanity of the officer who put on the handcuffs?—It would, sir, carelessness; but the two combined I am led to think is most likely to cause it, that is the officer and the prisoner being a little uneasy, sir. Would you allow me to mention one thing, my lord?

The witness withdrew.

MR. WILLIAM P. BUTTS recalled.

7494. (Witness.) These books were sent about the 4th of June, my lord.

7495. (Dr. Lyons.) Did you ascertain whether they were out of the prison all the time?—I cannot say that; I cannot tell where they have been.

7496. Have you ascertained whether they were out of the prison all that period?—There is no record.

The witness withdrew.

JAMES CRAWFORD examined.

7499. (Chairman.) Are you an assistant warden in this prison?—Yes, sir.

7500. How long have you been so?—Since the 23rd of October 1868, sir.

7501. What officer did you hold in June, July, and August 1869?—Assistant warden, sir.

7502. In what part of the prison did your duties place you at that time?—In the penal cells, sir.

7503. Do you recollect the occasion on which, by order of the governor, the treason-felony prisoner O'Donovan Rossa had handcuffs placed on him?—I do, sir; it was by order of the deputy-governor then.

7504. By the order of Captain Harvey?—Captain Harvey, sir.

7505. Did you receive the order?—I did not, sir.

7506. To whom was the order given?—I believe it was given to principal warden Alison at the separate cells.

7507. Were you present when the handcuffs were put on O'Donovan Rossa?—I was, sir.

7508. State in detail how they were put on?—They were put on behind, sir.

7509. Behind?—Yes, sir.

7510. That was the first day that they were put on?—Yes, sir.

7511. Did you see them taken off that night?—Yes, sir.

7512. Did you see them put on next morning?—I was not present; not next morning when they were put on.

7513. The next morning after that were you present when they were put on?—No, sir. I never see them but once. I was there afterwards, a little after his breakfast. I was employed to go and attend on him.

7514. When you saw him next after the first day, how were the cuffs put on him? Were they then behind him?—Yes, sir.

7515. The second day, that was the 14th?—The 17th, my lord.

7516. The 17th they were put on first?—No, the 16th, in the evening, about half-past 3 o'clock, the same day he committed the offence.

7517. Then on the 17th, in the morning, when you saw him he had his hands handcuffed behind his back?—Yes, my lord.

7518. Did you see him on the 18th?—Yes, my lord.

7519. How were the handcuffs then?—Behind.

7520. Behind?—Behind.

7521. Did you see him on the 19th?—Yes, my lord.

7522. How were his handcuffs then?—Well, I couldn't positively state how he had them then, but to the best of my knowledge they were three or four days behind.

7523. Do I understand you to say distinctly that the hands were handcuffed only three or four days behind?—I would not say; but perhaps about a month after, when he destroyed his cell window and broke

7498. (Chairman.) Does it bear upon this?—It does. There is an officer here named Good; he was here this morning, and he superintended the exercise on several occasions. While Rossa was in handcuffs he took him out to exercise, my lord.

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about them. There is an entry in the Governor's Journal that they left on such a day, but I do not know where they have been all the time.

7497. I want to know when they got out of the prison all that time?—To the best of my knowledge they were.

7498. (Mr. Dr. Fere.) Your clerk could tell perhaps?—I have asked him, and he does not know.

The witness withdrew.

part of the cell, I think then they might have been behind.

7524. (Dr. Greenhow.) You only think they might have been?—Yes, sir.

7525. You are not sure?—I could not be sure.

7526. All you are sure of is three or four days?—I could not say three or four; I say three.

7527. It might be longer, but you are not sure?—It might be three or four days, sir.

7528. (Chairman.) That was at the commencement?—At the commencement, my lord.

7529. Did you take part in placing the handcuffs on the hands and putting the handcuffs behind at all?—I generally used to take them off to exercise him.

7530. All you are sure of is three or four days?—I brought him down at 9 o'clock in the morning. He had not his trousers on, nor his stock, nor boots, nor cap. When you bring him down dressed out of the cell, the officer comes to exercise him.

7531. Then you take the handcuffs off, sir, allow him to put on his trousers, his shoes, and his stock and his cap, and undo his feet; take the handcuffs off him, let him put them on, then put the handcuffs on in front, and the officer goes to let him have exercise. When he returned I stood there, received him from the officer; took off the handcuffs, let him undress, put them off before, put them on behind.

7532. Do you recollect any occasion on which he complained of any injury to his wrists from the mode in which the handcuffs were put on?—I think it was the first morning, about the 17th, that he said, "Oh, don't pinch me"; that was the time assistant warden Douglas put them on.

7533. Are you able to say whether or not there was blood on his hands?—No, I never seen no blood. "Don't pinch me" was what he said. There was no blood at the time. I was almost always present when they were taken off—the time they were taken off.

7534. Were you always present at the time the handcuffs were taken off and put on during those four or five days?—He could not have them on at all times.

7535. Do you mean that he could not have them on during four days?—Not the whole of the time, sir; I mean during the whole of the time, sir. He had them on some portion of the time in front, and some time behind.

7536. Did you take part in putting them on or taking them off during the whole time that he had them on, whether they were behind or in front?—I was, sir.

7537. Are you able to tell us whether on any occasion you saw blood on the hands of the prisoner?—Never saw it; never saw blood on his hands nor on his wrists.

7538. (Dr. Greenhow.) Are you quite sure that the handcuffs were put on O'Donovan Rossa on the 16th?—I am, sir. I was present, sir.

7539. At what hour was it?—It was at half-past 3, sir. Mr. Alison put them on. He was principal

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officer in charge of the cells, and Mr. Pearson came in; then he ran and put them on at half-past 3 in the afternoon.

7538. On the 16th of June '68?—Right, sir.

7539. Were they then put on in front or behind?—Behind, sir.

7540. (Mr. De Vere.) By whose order were the handcuffs put on on the 16th?—Captain Harvey, the deputy governor, sir.

7541. Was it a written order, or merely a verbal order?—A written order. I believe it was written, sir, but I could not be sure. I was employed in the penal cell. Mr. Alison came across, and said he had to put them on by order of Captain Harvey. I could not say whether it was a written or verbal order, but I had to pay attention, for he was my superior officer.

7542. Who put them on at that time?—Mr. Alison, sir. I generally put them on after.

7543. On what day was it that you heard his complaint of being hurt, and say, "Don't pinch me"?—I think it was next morning, either after exercise, or when he was dressing himself for exercise. The officer was putting them on, and he said, "Don't pinch me." I do not think he said anything more about it.

7544. Is this the first time that you have been examined with regard to the putting of the handcuffs on O'Donovan Rossa?—I was before Captain Stopford, sir. Captain Stopford asked me something of the same questions, sir.

7545. (Dr. Lysons.) At what hour were the handcuffs taken off on the 16th of June '68?—At half-past 7, sir.

7546. Did you see them taken off?—I was there present, sir.

7547. Did you assist in taking them off?—I was there present. There was only one taking them off.

7548. By whom were they taken off?—I do not know was it Alison or Douglas, sir.

7549. They were taken off by either Alison or Douglas?—I believe so; or I may myself. I cannot say. I have often taken them off and put them on.

7550. Are you positively certain that he was handcuffed on the 16th?—Yes, I am positive. I was present.

7551. (Chairman.) What day of the week was it?—I could not say what day of the week it was, sir.

7552. (Mr. De Vere.) Are you quite sure that he was handcuffed the same day that he committed the offence?—Yes, sir.

7553. (Dr. Lysons.) At what hour of the day did he commit the offence?—I believe it was 12 or 1 o'clock, sir.

7554. What fixes it in your mind that he was handcuffed at half-past 3 o'clock that day?—I was present, sir.

7555. How comes it that you remember the hour?—Because Captain Harvey—; it was entered in the book, I believe.

7556. In what book was it entered?—The Separate Cells' Book, I believe. Anything that occurred ought to have been in that. I was there at the time, sir, and there is the clock placed at the window.

7557. (Mr. Broadbent.) After the three days of which you have spoken, did you frequently see O'Donovan Rossa?—Every day, sir, except three days I was on leave: during the time I was at the cells.

7558. Just recollect yourself for a moment and consider, did you ever see him with the hands handcuffed in front?—Yes, sir.

7559. Was that at meal times?—No, sir. When he had his handcuffs behind I generally changed his hands from behind to front before he got his dinner; about 20 minutes to 15 I went to his cell, and took the handcuffs from off his hands, brought the hands in front and fastened them in front.

7560. Was that for his meals?—That was for his meals, sir. At a quarter past 12 I went back and put them behind again, and the same at 20 minutes to 5.

7561. How long do you remember doing that for him?—About three days, sir.

7562. Did you see him at meals all that time?—Yes, sir, up to the 27th of July I think. I left. I was employed there from the 18th of May to then.

7563. Were you in the habit of bringing his meals after that time?—Yes, sir.

7564. Are you positive that after that time it was not necessary to remove his hands from behind to front?—He did not have them on behind, sir.

7565. You are quite certain that after that time his hands were already in front?—After about three days, sir.

7566. And that it was not necessary to shift them for his meals?—To take them off altogether, sir.

7567. (Chairman.) To bring them from rear to front?—I always did that the first three days, sir.

7568. Not afterwards?—He never had them on but three days.

7569. (Dr. Greenleaf.) If he had had the handcuffs on behind, would it have been your duty to remove them?—Yes, sir.

7570. After the three days, if he had had the handcuffs behind, would it have been your duty to remove them for his meals?—Mine, or anyone else.

7571. Not yours specially?—No, sir.

7572. (Mr. Broadbent.) You are certain that you did not see him with the hands handcuffed behind after the first three or four days?—No, sir; I do not think he had, sir.

7573. Who was the officer in charge during the day?—Alison, Douglas, and Wender Brown.

7574. After O'Donovan Rossa was released from handcuffs altogether, was he not handcuffed again?—He had them on behind and in front sometimes, because I reported him twice for breaking his cell utensils. When they chained him to another cell, whether he had them in front or behind I cannot say.

7575. How long was that after the last punishment?—That was before he was punished, sir. He was awaiting punishment this time. He was from the 16th of June '68 to the 22d July, I believe, until he got his punishment.

7576. You think that on the 22d of July he was released from handcuffs?—He hadn't them on some time before that.

7577. After he was released altogether from the handcuffs was he handcuffed again?—Yes. He hadn't them on I think after the first three or four days, when he had them removed. Then he had them a little time in front. Then I think they were removed.

7578. They had to remove him out of the cell he was in to another cell, and then put the handcuffs on.

7579. How long do you think he had the handcuffs on in front? After his hands had been released from behind, how many days had he the handcuffs on in front?—They were on, two, or three times, so that you could not exactly tell. It is two years since I was employed there, sir.

7580. You told us that he had his hands handcuffed behind three or four days, and you told us that he then had his hands handcuffed in front. How long did that measure of restraint last?—A very short time; perhaps three, or four, or five days, to the best of my knowledge.

7581. Very well. When that period ceased, I think you told us that something else happened which led to his being handcuffed again?—Yes, he was in his cell, and he broke the dove-wood in the cell. The water-tap was in his cell, and when we came in one day we found the water flowing. I went to inquire. We went to Rossa's cell. "I turned it on," he said, and he would not turn it off. He was put into another cell while the tap was removed from the inside to the outside of the cell, and then he came back again. The next day he broke the imperfection hole, the boards, the wires, the rings, the handle of the bell. Then we had to remove him to another cell. I think they did put the handcuffs on again.

7582. Are you certain, whether they were then put on in front or behind?—I would not be certain, sir.

The witness withdrew.

MR. WILLIAM P. BUTTS recalled.

7582. (*Dr. Lyons.*) Mr. Butts, we have had it put in evidence that O'Donovan Rossa was handcuffed on the 16th of June 1868, at 8.30 p.m., and that the handcuffs were removed at 7.30 p.m. on the same day. I have examined these three books which should contain an official record or entry of such an occurrence, and I fail to find as yet any entry that on that day O'Donovan Rossa was handcuffed. Will you be good enough to look at the entries in each of these books on that day?—On the 16th?

7583. On the 16th of June?—You say that he was placed in handcuffs on that day.

7584. It has been put in evidence that he was placed in handcuffs on the 16th of June 1868 at 8.30 p.m., and that those handcuffs were removed at 7.30 p.m. on the same day. Is there any entry to that effect in the *Separate Cells' Book*?—No, none on the 16th in the *Separate Cells' Book*.

7585. Now will you kindly take in your hands the Chief Warden's Daily Report Book and examine it?—Just once in the Chief Warden's Report Book; no record of it in the Chief Warden's Report Book.

7586. Now will you kindly take the Governor's Journal and examine it in like manner?—There is no entry there.

7587. Now, Mr. Butts, I wish to ask you, is there any other book, or any other form of prison record, by which it can be shown whether O'Donovan Rossa was put in handcuffs on the 16th of June 1868?—No, I do not know of any other book that would show it.

7588. What would be the form of authority issued to the prison officials to put him in handcuffs on that day?—The governor's order.

7589. Would that be a written order or a verbal order?—A verbal order and used likely.

7590. Would there be so record kept in the prison of that verbal order?—The Governor's Journal; and the record in the Chief Warden's Report Book ought to show it.

7591. They ought to record it?—They ought to record it.

7592. (*Mr. Broadrick.*) If you order a prisoner to be handcuffed to-day should you think it your duty to enter it in your Journal for this day?—Certainly.

7593. (*Dr. Lyons.*) Is there any other book or record by which we can test the accuracy of the statement that O'Donovan Rossa was put in handcuffs on the 16th of June, that you are acquainted with?—No, I cannot think of any just now. I do not know of any.

7594. (*Dr. Greenhalgh.*) Do you think it likely that after committing the offence which he is stated to have committed, he would as a matter of course be put in handcuffs immediately?—Oh dear, no, not at all.

7595. He would not?—Not at all.

7596. (*Mr. De Vere.*) If an order were given by the governor to put him in handcuffs, with his hands placed behind him, would that order to be so handcuffed continue from day to day during the time he continued in handcuffs, or would it be only understood to apply to that one particular occasion?—It would continue until the governor ordered them to be taken off.

7597. If an order were given on the 16th of June to put on handcuffs behind the man's back, and if it turned out that that man was kept in handcuffs from

day to day for a considerable number of days after, would the original order that the handcuffs should be put behind him continue in force, or would it not?—I fancy that the governor would give his order if they were to be removed, or if the handcuffs were to be altered in any way.

7598. (*Mr. Broadrick.*) If the governor did not give the order, would it be the duty of the warden to apply the handcuffs in the mode originally ordered, and until ordered to the contrary?—The warden should carry out the governor's order, whatever it might be.

7599. Supposing the governor ordered him to handcuff a man behind?—The warden would handcuff him behind.

7600. Well, then, the following morning what would he do next?—He would handcuff him behind unless ordered to the contrary.

7601. Would it be necessary to have a fresh order to authorize handcuffing at all the second day?—That depends on how the order was given in the first place.

7602. (*Mr. De Vere.*) If the order was to be a continuing order, the handcuffing to be continued from day to day until further orders, and if the first order was to put the hands behind the back in the course of the punishment, would the hands be handcuffed behind the back until the punishment ceased?—Unless ordered to the contrary, exactly.

7603. (*Dr. Lyons.*) Would you look at the record in the separate cell book of the 17th of June 1868?—"J. O'D. Rossa, placed in handcuffs behind by order of the governor."

7604. Would you now look at the entry made of the removal of those handcuffs?—"Handcuffs removed from behind by order of the governor."

7605. Look at the entry on the next day, the 18th of June?—"J. O'D. Rossa placed in handcuffs by order of the governor."

7606. Do you think that when the handcuffs were put on him, on the 18th of June, they were put on in the same manner as is shown to have been the case by the first entry there on the 17th of June?—I could not say. In my opinion I think it ought to have been stated whether they were put on behind or before. My opinion is that they were not put on behind, but I cannot say.

7607. From that out, the entries in the book only state that the handcuffs were put on, but it is not stated whether the hands were placed behind or before?—Exactly.

7608. Now as under the first order the handcuffs were put on behind, I want to know whether you think it was in accordance with prison discipline that the handcuffs were always put behind until specially ordered to the contrary. Just look at the entry?—I have looked. That has already struck me.

7609. Well, is it your opinion that the order was carried out, or should have been carried out, in accordance with what was done on the first occasion, by putting the hands behind the back on any subsequent occasion, though it is not stated whether they were put behind or before?—It is my opinion that the governor's original order ought to have been carried out unless the contrary was ordered.

7610. (*Chairman.*) And is it your opinion that if it were carried out, the word "behind" ought to have been repeated in each entry?—I think it ought.

The witness withdrew.

WILLIAM GOAD examined.

7611. (*Chairman.*) You are a warden in this prison?—Yes, sir.

7612. How long have you been a warden here?—I have been 12 years in the prison, sir. I was a warden before I came here. I was transferred from Dartmoor Prison.

7613. You have been warden here for the last 12 years?—Yes, sir.

7614. Do you recollect whether in the months of June, July, and August 1868 you were here?—I was here, sir, of course.

7615. Do you recollect where your duties placed you during those months that I have mentioned?—I could not exactly say, sir, because I do not bear date of anything.

7616. Were you during that time in the prison?

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- W. Gould. cells?—I went there occasionally, sir, when I was near some certain days.
7617. How many days a month?—I did not go there seven days altogether.
7618. Do you mean seven days during those three months?—Yes, sir.
7619. On how many of the seven days that you went did you see the prisoner O'Donovan Rossa?—But the seven days I was there, sir; I went there for the purpose to exercise him, sir.
7620. You went to exercise him?—Yes, sir.
7621. Since what you did on those occasions?—I received him from the principal warder, and exercised him, and returned him back again to his cell.
7622. At the time that you received him from the principal warder was he under any restraint?—He was handcuffed.
7623. How?—In front, sir, when I received him.
7624. Did you see him handcuffed in the opposite way?—I did not, sir. I was not at the cell.
7625. Do you distinctly say that you never saw him handcuffed except in front?—Never, sir.
7626. Can you tell me what was the first day that you went to exercise him?—I could not, sir. It was some days, four or five days; four to the best of my recollection after he made the assault on the governor, but I could not say what date it was.
7627. Can you say positively that it was four or five days after?—It was the fourth or fifth day, sir, but I could not say positively.
7628. Did anybody else take him to exercise but you at that period?—I could not say that, sir.
7629. You were sent to exercise him?—I was sent to exercise him, sir.
7630. You cannot tell us the day of the month?—No, sir.
7631. Or in what month it was?—No, sir.
7632. You were never present at any time of the handcuffs being changed?—No, sir; I only received him from the principal warder, with his handcuffs

The witness withdrew.

JEREMIAH O'DONOVAN ROSSA, prisoner, recalled.

7637. (Chairman.) You told us yesterday, O'Donovan Rossa, with reference to the time when you state that you were put in handcuffs, that it was on the 17th. Can you state to us on what grounds you think it to have been the 17th June 1868?—Well, it remained in my memory, my lord. I had no opportunity of keeping a note of it.
7638. It has been stated here by other testimony that it was on the 16th?—I think, my lord, as far as I recollect what has fixed in my memory, that it was on the 16th I committed the offence, and on the 17th I was put in handcuffs.
7639. Then they were not put on until the day following the offence?—They were not, my lord.
7640. They were not put on the day you committed the offence?—They were not, my lord.
7641. What time were you put in irons?—Between 10 and 11 o'clock.
7642. And you committed the offence about 12 o'clock?—About 12 o'clock the preceding day.
7643. You think that you committed the offence on the 16th, and that you were not put in irons until the 17th?—That is what I think, my lord.
7644. We did not quite understand yesterday, but have some little doubt as to whether, when you took exercise under the charge of Warder Gould or whoever it might be, your hands were fastened behind you or before?—Behind, my lord.
7645. Are you quite sure of that?—I am, my lord.
7646. In taking exercise?—In taking exercise.
7647. You are quite distinct in your recollection of that?—I am quite distinct. I recollect it.
7648. Was that uniformly the case?—Uniformly the case, my lord.
7649. (Dr. Lyons.) When you committed the offence of throwing the water on the governor what before; received him, exercised him, and then returned him to his cell.
7650. Who was the warder from whom you received him?—Principal warder Allison, sir.
7651. The handcuffs remained on during exercise, I suppose?—Yes, sir. I never touched them myself.
7652. Did he complain of them or say that they were hurting him?—Nothing whatever, sir; not to me.
7653. Did you observe any blood on his hands at any time?—I did not, sir.
7654. (Mr. De Vere.) At what hour of the day did you take him out to exercise?—Something after 9, sir; perhaps five minutes after 9, when I would go there in the morning to exercise him for an hour, sir.
7655. Was it immediately after any hour for meals?—No, sir; none whatever, sir.
7656. (Dr. Lyons.) Do you know whether the handcuffs were changed before he was given to you to exercise him?—I could not say, sir, because I was never with the prisoner, only just to receive him and take him out, exercise him, and bring him in again.
7657. Where did you receive him?—In the passage from the cell to the yard, sir.
7658. Were you not in view of the cell when he was brought out of it?—No, sir, I was not. I only received him in the passage.
7659. (Mr. Bradwell.) Did he ever complain to you of having been handcuffed with the hands behind?—He did not, sir; he did not make any complaint whatsoever to me.
7660. (Dr. Lyons.) Was he quiet and peaceable?—He was, sir. I exercised him, sir, and I never spoke a word to him, sir, nor he to me. I exercised him far on hour.
7661. What do you mean when you say that you exercised him?—I had charge of him, sir.
7662. That is, you watched him?—Yes, sir. I did not say anything to him, nor he to me.
7663. You did not observe him violent or making any noise?—He did not, sir; none whatever, sir.

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7668. Is it possible that you could have been handcuffed that day at half-past 3 o'clock, and remained so up to 7 o'clock, and forget it?—It is impossible, sir. Few were not handcuffed that day: I was not handcuffed that day.

7669. You were not handcuffed that day?—No, sir.

7670. (Mr. Woodcock.) You stated yesterday that you were not called up to answer any charge about that offence until you were called up before Captain Du Cane?—I was called up before Captain Harvey, I think I said, on the evening of the following day, and he referred me to the director. Do you recollect, sir, I said that someone told me I could have paper to make out my defence, but I got no paper?

7671. That occurred when you were called up before him?—Yes, sir.

7672. You were called up to the governor's room?—Yes, to answer the charge of having committed the offence.

7673. Was that on the evening of the 16th or 17th?—I think it was on the 17th.

7674. And on that occasion you were sentenced to have the handcuffs put on or not?—If it was on the 17th, I think I was in the handcuffs at that time. I cannot be particular about those things as to the day, as to the same day of the offence, whether I was called up that evening, but I am almost sure it was in the evening I was called up, a special sitting; and if I could take choice of the two my opinion is that when I got to the office of the governor that I had the irons on.

7675. You believe that you were handcuffed when you were called up?—Yes, I think so.

7676. Was there any evidence given against you?—No evidence; but Captain Harvey said, "You will have paper to make your defence; the master is so serious it is referred to the director, and I cannot deal with it."

7677. Do you think you were handcuffed before that?—I cannot say positively, sir.

7678. Were you asked what you had to say to the charge?—No, I think not, sir, because he had determined that the charge was too serious to adjourn himself upon it, and then perhaps he did not ask me what I had to say.

7679. Do you remember having admitted the charge of throwing the water at the governor, but denying that you had slammed the door?—Yes, I might have done that; slamming the door violently in his face. I recollect distinctly there was throwing the water, and then slamming the door out, "in his face" it is technically called, but there was a gate between the door and the governor.

7680. Are you sure that you were not on that occasion sentenced to be handcuffed?—I am sure that I was not on that occasion sentenced to be handcuffed.

7681. Are you sure also that when you came before Captain Du Cane nothing was said about the handcuffs?—I was not in handcuffs before Captain Du Cane. I was taken out of the handcuffs about half an hour before I saw him.

7682. When you were taken before Captain Du Cane was anything said about your having been handcuffed?—Not a word.

7683. Or as to your continuing to be in handcuffs after that?—Not a word.

Assistant warder CRANSTON recalled and cross-examined with the prisoner.

7684. (Chairman.) As your statement, O'Donovan Rosa, differs from Cranston's we think it right to call you together. Cranston has stated to the Commission that he was frequently on duty in the penal cells at the time between the 17th of June and the middle of August, and in answer to questions put to him by us, he has expressed his belief that you were not for more than three or four days with your hands handcuffed behind you. Now that being his statement, differing from yours, we think it right that you should have an opportunity of putting to him, through me,

any questions that you might wish to ask him, which you think might tend to show that your version is correct, and that he is under a mistake. It is his statement that you were not for more than three or four days with the hands manacled behind you. That is a correct statement of what you told us, is it not?—(Cranston.) Behind, sir.

7685. Do you believe that he was not for more than three or four days with his hands handcuffed behind?—(Cranston.) Yes.

7686. Do you wish to put any question upon that statement through me?—(O'Donovan Rosa.) Ask him, my lord, if you please, how often did he take off or put on the handcuffs.

7687. How often did you take off or put on the handcuffs during the period referred to?—(Cranston.) Frequently during this time to take his food and exercise. (Rosa.) Please, my lord, to ask him could he make a guess at the number of times.

7688. When you say "frequently," can you define the number of times, 10, or 20, or 30, or how often?—(Cranston.) Not exactly the number of times, sir. You will have to change him first at going to exercise, then change him again when he comes in again and let him have his dinner, then after dinner, then at supper time, then remove him back, and then take them off at half-past 7.

7689. Those were the times one day?—(Cranston.) Those were the times one day, sir.

7690. But you cannot tell the number of times the handcuffs were so changed?—(Cranston.) No, not exactly, sir. (Rosa.) Ask him, my lord, did he change them six times during the whole time.

7691. Did you change them six times?—(Cranston.) Yes, more than that. (Rosa.) Ask him did he change them 10 times, my lord.

7692. Did you change them 10 times?—(Cranston.) Well, I might say I have.

7693. How many weeks were you on duty there?—(Cranston.) I began duty in the penal cells on the 18th of May, and came away on the 27th of July.

7694. Who was on duty at the same time?—(Cranston.) Warder Brown, Mr. Allen, and Mr. Douglas.

7695. Good only came to take him to exercise?—(Cranston.) That is all. (Rosa.) Ask him did he change them 12 times, my lord.

7696. Do you think that you changed them 12 times?—(Cranston.) I cannot say exactly. (Rosa.) Is he sure of 10 times, my lord?

7697. Are you sure of 10 times?—(Cranston.) Yes, I say 10 times.

7698. You have no doubt of 10?—(Cranston.) No, my lord. (Rosa.) I ask these questions for the purpose of having the same questions asked of them all, for the whole lot could be taken and then the sum divided by the number of times a day.

7699. You used the word "change," what do you mean by it; do you mean changing the handcuffs from rear to front, or taking them off altogether?—(Cranston.) Changing from rear to front, perhaps eight or nine times a day, sir.

7700. Then you think you changed them from rear to front 10 times?—(Cranston.) I should think so. I should say that number.

7701. When you did not change them, who did it?—(Cranston.) Mr. Douglas, I expect; warder Douglas.

7702. Were you in the halls of seeing Rosa every day?—(Cranston.) Yes, sir, excepting three days when I was on leave. I think I was three days on leave during that time. (Rosa.) Ask him, my lord, at what particular time of the day used he to change the handcuffs; was it in the morning, or at dinner, or in the evening.

7703. State again at what particular times you changed them?—(Cranston.) They were changed; sometimes I would take them off for exercise, and allow him to exercise. When he came in from exercise they would be taken off for the purpose of undressing, that is taking off the braces and stock. Then they

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were changed at 20 minutes to 12 o'clock from behind to front to allow him to have dinner, and at a quarter past 12 they would be put on again. Then at 20 minutes to 6 they would be changed to have supper. In half an hour after, or 35 minutes, perhaps, they were put back again. Then at half-past 7 they were removed when he went to his cell to get his bed. (Rosa.) In the 30 times that he changed the hand-cuffs, my lord, how many times did he change them at the dinner hour?

7704. How many of those 10 times, when you changed the handcuffs from rear to front took place at the dinner hour?—(Crawston.) I think I done it twice or three times after dinner.

7705. Out of the 10 times?—(Crawston.) Out of the 10 times, my lord.

7706. Twice out of the 10 times after dinner?—(Crawston.) Yes, my lord.

7707. (Mr. Bradrick.) Are you quite sure that you changed them at other times excepting after dinner?—(Crawston.) Oh, yes, before he went to exercise, either Mr. Douglas or me, and again for supper time.

7708. Are you sure that all the times you changed them were not after dinner?—(Crawston.) No, sir; I changed them to allow him to dress himself for exercise. I changed them again to let him undress himself. Then I changed them for dinner time, and twice at supper time, and then when they were taken off for the night. I did not always take them off, Mr. Douglas did sometimes.

7709. Can you tell us how often you changed them after dinner?—(Crawston.) It is two years ago, sir, now.

7710. (Dr. Greenham.) Can you recollect how many days Rosa was handcuffed with his hands behind his back?—(Crawston.) About three days, sir; three or four days, sir.

7711. You saw him every day, and you distinctly say that his hands were not handcuffed behind his back for more than three days?—(Crawston.) I was on leave three days, sir.

7712. You were on duty during the greater part of the time that the prisoner O'Donovan Rosa was undergoing punishment?—(Crawston.) Yes, sir.

7713. You saw him, with very few exceptions, every day?—(Crawston.) Yes, sir.

7714. And you distinctly state that you do not think his hands were handcuffed behind his back more than three or four days?—(Crawston.) No, sir, except once, I would not be sure of the time, he broke his cell window. When he broke the closed affair and the spy-glass, and smashed the handle off the bell, he was put into another cell, but whether he was put in handcuffs I cannot say.

7715. When was that?—(Crawston.) Some time in July.

7716. But from the 17th of June up to some time in July you saw him nearly every day?—(Crawston.) Yes, sir.

7717. And during that time you believe that he was handcuffed only three or four days with the hands behind?—(Crawston.) Yes, sir.

7718. That is your distinct statement?—Yes, sir.

7719. (Mr. De Vere.) How soon after the 17th of June did he get exercise?—(Crawston.) He got exercise one hour every morning, sir.

7720. Then his exercise began from the commencement of the punishment?—(Crawston.) He was awaiting punishment then, sir. He did not get punishment until a month after, sir.

7721. He got exercise then?—(Crawston.) He did, sir.

7722. (Chairman.) You did not exercise him?—(Crawston.) Not at first, I did after. I could not be sure.

7723. When you were exercising him were his hands behind his back or not?—(Crawston.) His hands were never behind him to my knowledge.

7724. Not at exercise?—(Crawston.) No, sir.

7725. Can you tell us positively whether or not

you exercised him at that period?—(Crawston.) Well, I could not be sure, sir, about that time.

7726. (Mr. De Vere.) From the time that his exercise commenced on the 17th of June he had his hands fastened behind his back, by your account, three or four days?—(Crawston.) Yes, sir.

7727. When he was going to dress for the purpose of going out to exercise the handcuffs would be removed?—(Crawston.) Yes, sir.

7728. Would they be replaced as soon as he was dressed for exercise?—(Crawston.) I think they were the first day, sir. I think they were the first day, sir, but I cannot be sure. I think they were the second day. I think he had them the second day.

7729. Supposing a man was under the punishment of having his hands tied behind him, and was taken out to exercise, would he be exercised with the hands tied behind his back or not?—(Crawston.) I have never seen a case of that sort, sir.

7730. I do not think you understand the question. If a man was under sentence to have his hands tied behind his back, and if he was taken out to exercise, what position would his hands be in while at exercise?—(Crawston.) I have never seen a case of that sort, a prisoner to be handcuffed behind his back and then taken out to exercise.

7731. Am I right in saying that you stated that for three or four days his hands were tied behind his back?—(Crawston.) Yes, sir.

7732. And you have also stated that during that time he got exercise?—(Crawston.) I believe he did.

7733. I want to know did he get the exercise during those three or four days with the hands behind or not?—(Crawston.) I could not say.

7734. What would be the rule of the prison?—(Crawston.) I do not think there is a rule. I did not see a prisoner with his hands handcuffed behind his back except in restraint, except a man got handcuffed that committed some offence.

7735. (Dr. Lysons.) You stated awhile ago that O'Donovan Rosa was handcuffed on the 16th of June at half-past 3 o'clock?—(Crawston.) Yes, sir, I believe so, to the best of my knowledge.

7736. Are you positive about it?—(Crawston.) It is two years ago, sir. I should think it was the 16th.

7737. On the 16th, when he was in handcuffs, according to your statement, between half-past 3 and half-past 7 o'clock, were his hands behind his back or in front?—They were put on behind, sir, at half-past 3, and at 80 minutes to 6 they were placed to the front for supper, and in half an hour after he had the supper, they were placed behind and taken off at 7 for bed.

7738. Can you state that he was handcuffed with the hands behind the back first?—(Crawston.) Yes, sir.

7739. (Mr. Bradrick.) Are you positive that he was first handcuffed on the day he committed the offence?—I think, to the best of my knowledge, it was on the 16th, at half-past 3, sir. (O'Donovan Rosa.) Why does he so particularly recollect half-past 3, my lord?

7740. (Chairman.) What time that hour in your recollection?—(Crawston.) Because I came from my dinner and did not know anything about it until I came in. It was a startling affair, and that fixed it in my recollection. (Rosa.) What was the startling affair, my lord?

7741. What was a startling affair?—(Crawston.) Throwing the contents of his chamber-pot at the governor.

7742. At what hour did that take place?—(Crawston.) It was between 12 and 1. (Rosa.) Was the occurrence between 12 and 1, my lord?

7743. This affair occurred you say between 12 and 1 o'clock?—(Crawston.) Yes, my lord.

7744. And you say that being a startling affair you retained in your recollection that the handcuffing which followed it was at half-past 3 o'clock that day?—(Crawston.) Yes, my lord. (Rosa.) Ask him, if you please, my lord, where did he first see me.

7744. Where did you see O'Donovan Rossa upon your coming in that day after dinner?—(Crawston.) Mr. Allison told me, "Stand you there and don't move," at half-past 8 o'clock. He brought Mr. Jones at the gate, and we went upstairs. Rossa was called out, and he told him, "I have had orders to place handcuffs on you."

7745. (Dr. Ligon.) Who is Jones?—(Crawston.) The gate-keeper at the gate.

7746. Is he here still?—(Crawston.) Yes, sir.

7747. (Chairman.) He is not one of those men you named?—(Rossa.) No, my lord. I never saw him at the cell.

7748. (Dr. Ligon.) You said that he was present on the 16th when O'Donovan Rossa was handcuffed at half-past 8 o'clock?—(Crawston.) Yes, sir. (Rossa.) Did he see me in handcuffs before the governor that day, or the following day?

7749. (Chairman.) Did you see him in handcuffs before the governor that day, or the following day?—(Crawston.) The governor was on leave, sir.

7750. Before Captain Harvey?—(Crawston.) I believe he went in first to Captain Harvey the next day with them on.

7751. Did you see him?—(Crawston.) I must have seen him.

7752. Did you see him, can you recollect?—(Crawston.) I must, unless it was one of the days I was on leave.

7753. On that 16th or 17th, whichever it was, did you see him in handcuffs before Captain Harvey?—(Crawston.) No, sir; I did not go in. (Rossa.) Did he ever see me in handcuffs in one cell or two cells; which cell did he see me in handcuffs?

7754. Which was the cell that you saw him in?—(Crawston.) In number 6, I believe, to the best of my ability now. It was a corner cell, sir, inside the adjutant's room, the corner cell where the closet was put, and he was removed out of that and put into another. (Rossa.) Did he ever handcuff me himself in any other cell, down about 12 or 13?

7755. Did you ever handcuff him in any other cell than the one to which you have just referred?—(Crawston.) That is the cell I say. He must have been moved into that cell.

7756. Did you handcuff him there?—(Crawston.) I do not recollect, sir. (Rossa.) Does he not recollect coming in one day after dinner and having the handcuffs at the opening of the gate, and asking me to put out my hands through the gate, and saying, "You will ruin me," because he was a bit late.

7757. Do you recollect that?—(Crawston.) No, sir. (Rossa.) He had the handcuffs so put them from front to rear, and put my hands from front to rear. He should have put them back each other.

7758. Did such an observation pass from you?—(Crawston.) No, sir; because first there was the general time to give him his dinner, and from that time we went to our dinner, a quarter past 12 o'clock or so, Mr. Allison always said, "Give him time before you 'have your own dinner; go have your own dinner and 'go and handcuff him,' which I always did." (Rossa.) My lord, will you ask him did he ever see me before the governor, and hear me saying something to the governor about assassination on repeating the charge.

7759. Did you ever see him before the governor when he made an observation about assassination?—(Crawston.) Yes, sir, before the director. I think it was after the time. This was after leaving the cell. I marched him in by order of the chief warder. Before the director there was something about knocking him down and keeping his clothes off, but that was not during the time I was there.

7760. Did you hear anything said about assassination before the director?—(Crawston.) Before the director; no, sir. (Rossa.) Before Captain Powell, my lord, ask him.

7761. Did you hear such an expression as that used before Captain Powell?—(Crawston.) Not so the best of my knowledge. If he mentioned any particular case, perhaps I might refer back to it.

7762. (Mr. Roddick.) Do you remember his saying that he could not bow down and pay any homage to persons who were assassinating him?—(Crawston.) I have heard him use the word for a man to salame, and he said, "All you want from me is the salame, and unless I salame I cannot do anything."

7763. Did you hear him say to Captain Powell that he could not pay a salame to persons who were assassinating him?—(Crawston.) I did not, sir, not in those words. (Rossa.) Did he ever hear Captain Powell saying to me, "I treat you with contempt?"

7764. (Chairman.) Did you hear Captain Powell say to O'Donovan Rossa, "I treat you with contempt?"—(Crawston.) Never, my lord.

7765. You have been present when Captain Powell has seen him?—(Crawston.) Yes, my lord.

7766. And you never heard that expression used?—(Crawston.) No, my lord.

Assistant-warder CRAWSTON here withdrew.

EXAMINATION OF JEREMIAH O'DONOVAN (ROSSA) RESUMED.

7767. (Chairman.) I presume that in sending us this letter on the 30th of June, advertising to various notices, you wish us to understand that you desire an inquiry should be instituted into them?—Yes, my lord; but there is one matter, my lord, one which my wife is concerned about, as to the witnesses. She only learned something yesterday about the man named Douglas. This is a letter she got about it. If you desire to have him as a witness, she has endeavored to get his address; at least she knows where his wife is. This is part of his evidence. Mr. George Henry Moore spoke of him. I did not read this yesterday, because I had not the assurance that I would have him as a witness.

7768. We cannot say at present whether we shall want Douglas or not?—I will leave that until to-morrow, my lord. I would not interfere with you; but we were speaking yesterday about my wife, and this being the last day, and I would submit to your consideration that she be allowed to come in to-morrow, my lord.

7769. We have carefully considered that, and delayed your examination?—Yes, my lord; but you said if there were any further questions—

7770. We have considered and cannot depart from what I told you. This is the last time that you are to meet during the investigation. After the investigation it does not rest with us.—What about her own examination, my lord? Would you have that letter produced as to my being intriguing with another man's wife?

7771. Do you wish that to be examined into?—I would, my lord; and she is being, of course, driven off now. I told her that I would speak about this matter.

7772. You will make the statement first, and will then have her to support it?—Yes, my lord.

7773. The next triple that we have to go into is this letter of yours. Now what have you to state?—I beg your pardon, my lord, for putting a question in reply to a question. Have you a copy of the letter which was seized going out surreptitiously, on which is based my report?

7774. No.—That is one I want to have my wife see.

7775. That was one of your suppressed letters, was it?—No, my lord. I wrote the letter and sent it out surreptitiously.

7776. You wrote a letter when you were at Portland for the purpose of sending it out surreptitiously. To whom was it addressed?—To "Mrs. Mary Moore, for Mrs. O'D., in the corner."

7777. Now state what happened with regard to it?—Have you a copy of that letter, my lord?

7778. No.—Well, that is a letter that it would be most important to show my wife, that she may give you her opinion whether it was written to herself or to Moore's wife; because the charge is that I was intriguing with Moore's wife; and my wife on seeing

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what was stated in the letter could say whether the passages in it applied to her condition.

7780. When were you informed that it was suppressed?—It was seized, my lord.

7781. When were you informed that it had been seized?—(The prisoner refers to a document.)

7782. (Mr. Bradrick.) How did you first hear about that letter. You tried to pass it out, I suppose?—Yes.

7783. After it left your hands when did you first hear anything about the letter?—The day after.

7784. (Chairman.) From whom did you hear about it?—From the governor of the prison, my lord.

7785. Mr. Clifton?—Yes.

7786. He told you that the letter had been seized?

—Yes, I was charged. Here is the date, November the 5th. It is down here, "having letters in his possession for the purpose of obtaining money, and tobacco trafficking." This is one of the reports put down about me, and it was read in a different manner from the book by Mr. Clifton.

7787. What is the date of it?—November the 5th, 1866.

7788. Two days after you wrote the letter the governor informed you that it was seized?—Yes, my lord, one day after I left it out of my hands; the day following I passed it out of my hands.

7789. Can you tell the Commission the words that the governor used when he so informed you of the seizure of that letter?—He used, certainly, the words that this letter was carrying on a correspondence, writing a letter to the wife of another man. He read the charge from the book, writing a letter to the wife of another prisoner.

7790. You say that there was an entry in the book which he read out to you from the book, that you were charged with writing a letter to the wife of another prisoner?—Yes, my lord, these words were in it, and possibly also for getting money, trafficking, and tobacco.

7791. (Dr. Lyons.) Was it on that occasion that Mr. Clifton used the word "intrigue"?—Well, I do not recollect, Mr. Lyons.

7792. (Chairman.) Did any further conversation then pass between you and Mr. Clifton?—Well, I do not recollect, my lord. I do not know did I on this day, my lord, tell him that the report was not correct in the books. I think I did, and he asked me. Was I to dictate to him how he was to make a report?

7793. Were those his words? We want, as far as possible, the exact words that were used?—Well, my lord, these words passed between us; but I do not know was it this day or a subsequent day, for I made repeated efforts to have the matter corrected, and I got myself into punishment by doing so.

7794. To what punishment were you subjected, and how soon was it after this conversation had passed between you and Mr. Clifton?—I was subjected to three days' bread and water, my lord.

7795. How soon after this conversation that you have referred to were you subjected to three days' bread and water?—That day, my lord. He adjudicated I think on the case that day.

7796. And what were you told was the charge on which you were subjected to the three days' bread and water?—For having tried to send it out, my lord.

7797. For trying to send the letter out surreptitiously?—Yes, my lord.

7798. Did you tell him that the letters "Mrs. O'D." were put in the corner of the letter?—Yes, I told him that on one occasion, my lord.

7799. Was it on the first occasion that you told him that?—It was not, my lord.

7800. We will do the best we can to get that letter. The letter is not in our custody. Did anything further pass? When you told him that the letters "Mrs. O'D." were in writing in the corner of the letter, what did he say?—Well, that occurred particularly upon a day that he spoke—the matter was

introduced; I think I put down my name and made application to see him, to see would he correct the matter, and this conversation then occurred. I recollect his words. He said, "I did not until yesterday see the words 'Mrs. O'D.' in small letters in the corner of your letter; but I believe that was a subterfuge, and I told the Secretary of State so," and I told the board of directors so. "Then," said I, "you told them what was false." He ordered me immediately to the punishment cells. I was taken there immediately for 24 hours, and brought before him the next day.

7801. The next day did any conversation pass between you and Mr. Clifton when you were brought before him?—Yes, some conversation passed that day, my lord, but I do not recollect particularly what it was. He fined me some marks. He gave me no punishment, but fined me the marks, except keeping me 24 hours in separate confinement. The record of the punishment I suppose will tell the day, my lord.

7802. You must have been aware that in endeavouring to send out a letter surreptitiously you were breaking the prison rules of course?—I was, my lord.

7803. What do you complain of in reference to that occasion; is it that you were punished for a breach of the rules of the prison, or that you were punished for any other circumstance?—I do not complain, my lord, of being punished for the offence. What I complain of is, that in trying to rectify the way the charge was put in the books I got that subsequent punishment.

7804. Then what you complain of, as I understand, is that the governor did not give full credit to your statement, that the letter was not intended for Mrs. Mary Moore, but for your own wife?—Yes, my lord; and that he would not give my reply in my own words, but in his own words. He would expound what I said, and say the prisoner here gave a rambling statement.

7805. How do you know that?—He read it to me, my lord. If the books are examined I think you will find that observation. "The prisoner here entered into a rambling statement." I have not that, my lord, though I wanted him to give me a copy of the prison records.

7806. (Dr. Lyons.) About what time was it?—This is some time subsequent to the 5th of November, Mr. Lyons; this affair of my being in punishment continued then two or three months.

7807. (Dr. Greenwood.) Can you refer to it on your own paper?—No, I cannot, sir, because this is just only a note—I do not know what to call it. It cannot at all be a copy from the books.

7808. (Chairman.) Was this matter inquired into by Messrs. Knox and Pollock?—Yes, they asked me a few questions about it, my lord. Mr. Lyons, if you look at the date, December the 14th, you might see what answer is given by me.

7809. (Dr. Lyons.) I cannot find it in the records now before us.

7810. (Mr. De Vere.) Did you apply to the board of directors to have those papers destroyed?—I sent a letter to the board of directors requesting that they would have the matter taken off record. I did not get that memorial to the board of directors, or that letter.

7811. Did they not give you any reply to it?—The reply was that the directors would do what to them seemed proper in the matter. Have you a report, sir, December 14th, there?

7812. (Dr. Greenwood.) Yes. "Insolence when in front of the governor"?—Do I give any answer to that?

7813. There is no answer given here; simply the punishment awarded.—Is my answer to any of these reports, December the 7th, December the 14th?

7814. There is no answer given here.—Well, he read this answer out of the book for me; he dictated part for me, and finished off the rest with his own observations.

7815. (Chairman.) Have you told us all that passed

between you and the governor with reference to this letter?—Oh, I have not, my lord.

7816. Is there anything further that passed between you which you wish to state respecting it?—I made repeated efforts to have it settled in the book and could not succeed. I applied three times to the director, Mr. Fagan, on the matter, but these three times I happened to be in punishment, and Mr. Fagan's reply was that while I was in punishment he could not see into anything concerning me.

7817. You applied personally to the director?—Yes, personally.

7818. My question rather referred to whether any further conversation passed between the governor and you on the subject of this letter?—I do not recollect any particular conversation, my lord.

7819. Did anything pass in the governor's office some time after this first conversation?—I do not recollect anything particular, but I know that we had much talk on the matter, and I used to talk often of it; but I only recollect the particular expressions that were used on some occasions. I had no opportunity of taking a note of anything. But here is a matter that I did in connexion with it, and I find it here put down "January 9th, making a false and groundless charge against the visiting priest." Now what occurred was, that I sent for the priest and spoke to him about the matter. I could not that way either get anything done, and then I made a charge against the priest for not discharging his duty, for I thought it was certainly his duty to clear the moral character of anyone registered as a Catholic in prison; and it is put down this way. I thought I would get the matter investigated by charging the priest. I could not succeed that way either, so I had to give it up.

7820. (Mr. De Vere.) Then, in fact, the charge that you wanted to make against the priest was only that he had not taken sufficiently active means to clear your character in this matter?—Yes, sir; and for the purpose of bringing up the matter and getting it cleared. It was only to do that incidentally.

7821. (Chairman.) And were you punished for making the charge against the priest?—No, I was not.

7822. Did the priest, in point of fact, interfere in any way?—Yes, I told the priest. He did, my lord. He came to my cell and I told him about the letter. I said to him that I had the last letter I received from my wife in my cell. I was in a punishment cell this time. "If you come to my cell I will give you" this letter, and you can get the detected letter and compare the two, and see that this detected letter is addressed to the mother in my wife's letter." He came to my cell the next day, my lord. I went and took down the Bible to take the letter out of it, and the letter was not in the Bible. The officer had it removed, he said, for restraint. The priest went away having his suspicions that I was telling a falsehood, I dare say. But I got the letter from the officer that day or the next day.

7823. Have you that letter now that your wife wrote to you?—Yes, it is here in the prison.

7824. Would it be your wish, if we got this letter that you directed to Mrs. Mary Moore, that we should do what you asked the priest to do, namely, judge by comparing one with the other?—Yes, my lord, certainly; and it is for that purpose that I wish to have my wife examined.

7825. She would identify her own letter?—Yes, my lord, she would.

7826. And would you wish her to see also the letter addressed apparently to Mrs. Mary Moore, for the purpose of satisfying herself that it was the answer to the letter she had written to you?—Yes, my lord.

7827. Well, we will get the letter?—Thank you, my lord.

7828. (Dr. Greenwood.) Were you punished for trying to get the letter out of the prison?—Yes; I got three days' bread and water.

7829. (Chairman.) The letter contained besides

messages to your wife something about tobacco?—Yes, the word "tobacco" was used, my lord.

7830. (Dr. Lyons.) Why do you state here that the governor made a charge that you were "holding an illicit intrigue with the wife of another prisoner"?—That is his own observation on the matter. That is not in the book. That was the conversation that used to take place between us on the matter.

7831. What took place with respect to the charge of illicit intrigue?—I refer to the conversations that occurred when I used to go every day to try to rectify the matter. The charge is first in the book of directing this letter to the wife of another prisoner, and in speaking of it the governor used the words "intrigue" and "illicit correspondence."

7832. Are you positive that the governor used the word "intrigue" in speaking to you of this matter?—Yes, I am positive.

7833. Do you state it positively?—Yes, I do.

7834. Do you state positively that he used the word intrigue in speaking to you of that letter?—Yes.

7835. Did he charge you with entering into an intrigue with another man's wife?—In conversation he used the words, but the word "intrigue" is not down in the charge in the book.

7836. I want to know whether the governor in any way, written or verbal, charged you with an intrigue with another man's wife?—He did, sir, verbally.

7837. I want to know are you quite positive that he used the word "intrigue"?—Yes, Mr. Lyons.

7838. Is your recollection clear and distinct that he used the word intrigue?—As clear and as distinct as it is possible to be. It has fixed itself in my mind in that way from the circumstance.

7839. (Chairman.) Was that after you had shown him the words "for Mrs. O'D." on the letter?—It was before that, my lord.

7840. Before it?—Before or about that time.

7841. You did not show him the words "for Mrs. O'D." on the first occasion?—No; he did not show me the letter on the first occasion; he did not show me the letter at all; but he used those words to me, "It" was only yesterday that I saw "for Mrs. O'D." in "small writing." That I believe was only a subscription. I told the Secretary of State so, and I told "the board of directors so." I said, "You stated what is false."

7842. (Mr. De Vere.) Is it your wish now to state to this Committee, in as solemn a way as you can do without the sanction of an oath, that the letter now referred to was written for and intended for your wife, and for no other person whatever?—Yes, sir. I state that solemnly, and I will swear it if you desire.

7843. You wish to put that solemnly on record?—Yes, with the belief that God is looking at us as I make that statement.

7844. (Dr. Lyons.) How do you know that Moore said you were writing to his wife?—Moore told me so.

7845. Are you positive about that?—Oh, yes. One day after coming out from seeing the governor he told me.

7846. Do you know what Mrs. Moore's name is?—Her name is Kate. Moore told me the name.

7847. Moore told you that her name was Kate?—Yes, and his mother's name was Mary, and it was to "Mary" that the letter was directed.

7848. What do you wish to have done in regard to this matter, when you state that you bring the matter before us with the view of our doing justice to you?—If what the governor told me is on record in any official place, if he wrote to the Secretary of State or the board of directors that he believed the letter was for Moore's wife, I wish to have that destroyed, wherever that paper is, or any official record of it.

7849. You wish to have it destroyed?—Yes.

7850. Supposing that that cannot be done, what else do you wish?—I do not know what else can be done. A man does not know what happens after he is dead and gone, but we all know this, that state paper officers are ransacked and matters looked upon,

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and in 20 or 30 years time this may come forward to detain my name, or be brought against my children.

7851. (*Chairman*.) The letter was obviously addressed to Mrs. Moore?—Yes, my lord, Mrs. Mary Moore.

7852. According to your own statement you attempted to send out the letter surreptitiously?—Yes, my lord.

7853. If it was intended to go to your wife why was it not addressed to her at once?—My wife was at the time, my lord, connected with the "prisoners" fund committee for relieving the families of distressed prisoners, and I calculated that the letter to my wife would be stopped in the Dublin post office, her name being more remarkable; and Moore gave me the address of his mother. I asked him for the address of his mother, because he told me previously that his mother used to go to my wife to get some of this money weekly from her.

7854. Moore's mother was a recipient of the bounty?—She was a recipient of the bounty, my lord, and he gave me her address.

7855. Had any letter of yours to your wife ever been stopped in the post office? Had you any reason to think it had been?—No, my lord.

7856. Was that *head note* the only reason that you directed the letter to Mrs. Moore?—That was the only reason, my lord. I will give you my oath on it if you wish.

7857. (*Mr. De Vere*.) You did it with the privity and consent of Moore himself?—Yes, Mr. De Vere.

7858. (*Dr. Lysons*.) He knew it before you wrote the letter?—Yes, Mr. Lysons.

7859. (*Dr. Greenock*.) It was addressed to his mother and not to his wife?—To his mother, an old woman.

7860. (*Chairman*.) You state that with the distinct intimation that we shall go into this matter at Portland, so that any statement you make will be tested by examination—I desired to be brought before Mr. Clifton in the presence of Messrs. Knox and Pollock, but they told me that they could not do that, and they also told me that he and his officers contradicted all that I said.

7861. (*Mr. Bradrick*.) Did Mr. Clifton ask you whether you were prepared to deny in writing to the Secretary of State that the letter was intended for Mrs. Moore?—No, he did not.

7862. Did you ever afterwards repeat leave to write to the directors or to the Secretary of State about it?—Well, I am not sure of that. I think I did. At least I wrote to the board of directors after coming out of Millbank Prison in the February following.

7863. You do not recollect asking Mr. Clifton whether you might appeal to them on the subject?—Yes, I think I did. I think I did, and it was refused.

7864. At all events you did not, as a matter of fact, write to the directors and the Secretary of State until you got to Millbank?—No, until I came to Millbank.

7865. You did then write, and what came of it?—A reply came, which was read to me by the governor of Millbank Prison, to the effect that the directors had received my communication, and that they would do what to them seemed proper in the matter. These words, or some words to that effect. That is the way the matter remained in my mind.

7866. When was that?—I wrote this letter to the directors in the beginning of March '67, and the reply came some time after.

7867. Is that the last that has passed between you and any prison authority on the subject?—That except this inquiry of Messrs. Knox and Pollock in June 1867.

7868. Did not Mr. Clifton on a subsequent occasion use this expression to you, that he "could not be sending your love letters to your wife"?—He did, sir.

7869. Was that in reference to this former offer or not?—No, sir; it was in reference to a letter or words that I had written on a sheet for him to copy. He told me that he would do this in consequence of a letter he received from my wife asking permission for

me to write to her answering some questions. I wrote these words on the sheet, and sent the sheet to Mr. Clifton, and in about a month after I asked him about the matter, and he said, "I could not be writing your love letters to your wife."

7870. Then that had nothing to do with the other matter?—Nothing.

7871. (*Chairman*.) Why did you write on a sheet?—Paper was not allowed, my lord. I was not due for a letter.

7872. We have sent for the letter that was intercepted at Portland, and shall take measures to examine Mr. Clifton and anybody else that knows anything about it?—Yes; and the priest must recollect the conversation I had with him. I asked for a copy of Messrs. Knox and Pollock's report and have not got it. I suppose you have a copy of it, my lord.

7873. Yes, we have a copy, and it is from it we were asking you questions. If you leave it in our hands we will inquire into it. There is one matter in the original statement I made that requires a word to be corrected. I have learned since that it requires correction in one place. I speak of the treason-felony prisoners having no school; it should be any of them that I know, because I have learned from one of the prisoners here that some of them, to their knowledge, whom I did not meet, were allowed school, but none of them that I met in prison. The correction I wish to make is: "All the treason-felony prisoners" whom I met as prisoners in the several prisons.

7874. You have heard that this would not be true as regards some of them?—I am told by John Dwyer that a man named Baynes was at school.

7875. (*Dr. Lysons*.) Do you, after hearing what Cranston stated about your being incarcerated on the 16th of June, adhere to your statement that it was on the 17th it commenced?—I do, sir.

7876. Do you further adhere to your statement that in some part of each of 35 consecutive days you were incarcerated with your hands behind your back?—Yes, and all the time of the day except the time I mentioned, at meals, and in the morning before breakfast hour from the time I got up, about half an hour.

7877. (*Dr. Greenock*.) Each day when you went out to exercise your hands were tied behind your back?—Yes, sir. I expect officer Good would give fair evidence on the matter, being a religious man. I can tell he is a religious man, and expect any way that he would give fair evidence; for one day he was tying my hands behind and he must have noticed the cut, for he said, "I will not hurt you." "I do not mind," said I, "so long as a man does not intend it."

7878. (*Dr. Lysons*.) Have any papers been taken from you since the commencement of this inquiry?—I do not recollect.

7879. Or from your wife?—No, I do not think they have. Oh, these papers that I want to submit to you. I wrote you a letter on Monday, and I said I would submit certain papers to you. Those papers were given to me by my wife, but I would not be allowed to take them to my cell. If you go over that letter at any time, I am prepared to submit to you those papers.

7880. (*Chairman*.) You have them now?—Yes, I have, my lord.

7881. (*Mr. De Vere*.) Would you now be allowed to take these to your cell?—Well, my wife going, I kept them.

7882. (*Mr. Bradrick*.) What papers are they?—Printed matter; extracts from newspapers, and reports from the Secretary of State regarding my treatment, and asserting that my letters contained falsehoods. Now I have those letters. In that (re-*submitting a paper*) you will find an extract taken from a letter seized in prison, for which I was 10 days imprisoned here, an extract taken from that letter and introduced into that report, which extract could not be in possession of anyone but a member of the Government, for that letter is seized and in the hands of the Government.

7883. Did you write the letter?—I did not write the letter, but I was charged with writing it. It was seized in this prison last December 12 months. I was kept 10 days in punishment on the charge of writing that letter. I did not write the letter; but to show that some statements made regarding me are not exactly correct, I quote from the letter seized in Chatham Prison, which could not be in the possession of anyone except the authorities. It was seized, as my letter at Portland was seized, and kept in the hands of the authorities.

Warden WILLIAM GOAD recalled and confronted with the prisoner.

7884. (Chairman.) *Ross*, we have called Goad in, to repeat the statement which he made to us, and which is at variance with yours. You can ask questions upon it through me. Did I take down your answer correctly, Goad, when I took it down then: that about seven times during the three months of June, July, and August '68, you saw O'Donovan *Ross*?—(Goad.) Yes, sir, that is right.

7885. That you took him to exercise; that you never saw him handcuffed with his hands behind him?—(Goad.) No, sir; they were in front when I received him.

7886. In the seven times that you exercised him he always had his hands handcuffed in front, is that so?—(Goad.) Yes, sir.

7887. Now, O'Donovan *Ross*, do you wish to ask any questions of him?—(O'Donovan *Ross*.) It is very hard, my lord. Did he ever take me to exercise, my lord?

7888. He says he took you to exercise seven times?—(Rossa.) And did he loose those irons in any way to allow me to put on my shoes and boots?

7889. Did you ever loosen the irons to enable him to put on his shoes and boots?—(Goad.) Principal warden *Alison* always did that for us.

7890. Then you never did it?—(Goad.) Never, sir. (Rossa.) Does he recollect ever seeing signs of the irons on my wrists?

7891. Did you observe that his wrists were marked?—(Goad.) No, sir, I did not.

7892. I asked you before whether you observed any marks of blood on them?—(Goad.) I did not, sir.

7893. You never saw them stained with blood?—(Goad.) I did not, sir. (Rossa.) When I was exercising in the yard had I my hands behind or in front?

7894. Had he his hands fastened before or behind when you were exercising him?—(Goad.) In front, sir. Always when I exercised him that was the case.

7895. Are you able to say when it was that you first exercised him after the 17th of June?—(Goad.) I could not say, sir.

7896. (Mr. Brodick.) Was it in June or July?—(Goad.) I could not say that, sir. I recollect I was ordered to handcuff the man. I exercised him and returned him back to his cell. (Rossa.) Did he never use the key himself to open the handcuffs?

7897. (Chairman.) Did you ever open the handcuffs?—(Goad.) No, sir, not myself.

7898. You never had the key and opened the handcuffs yourself?—(Goad.) No, sir.

7899. You have seen it done?—(Goad.) Yes, I was in the passage when it was done. I returned him to principal warden *Alison*. He would take him from me and march him to the cell.

7900. When you saw the handcuffs loosed were they behind or before?—(Goad.) They were before when I received and returned him.

7901. Did you ever see him with his hands handcuffed behind his back?—(Goad.) No, sir, never.

7902. (Mr. Brodick.) How came it that you saw the handcuffs loosed. Was it when you received him or when you returned him?—(Goad.) They were not loose, sir. They were on his hands when I received him again.

7903. I understood you to say that you had seen the key used?—(Goad.) Not in my presence, sir.

7904. You have not seen the key used?—No, sir. (J. O'Donovan *Rossa*.)

7905. (Chairman.) Were they seven days following one another?—(Goad.) No, sir, they were not.

7906. What interval was there?—(Goad.) Perhaps, I might say, a day.

7907. Who would be on duty there when you would not?—(Goad.) I could not say that, sir.

7908. Was it Douglas?—(Goad.) Douglas was there at that time. Whether he handcuffed him or not I could not say. (Rossa.) Is he sure, my lord, that there was a day, or perhaps two, between those seven times?

7909. Do you think there was a longer interval than one day?—(Goad.) No, sir, never more.

7910. Do we understand you distinctly to say that your recollection is, that his hands were always before him when you took him to exercise?—(Goad.) Yes, sir.

7911. (Dr. Lyons.) Was it any part of your duty to observe particularly whether his hands were tied behind him or not?—(Goad.) No, sir, it was no part of my business. I received him with the hands in front, marched him round the yard, and returned him.

7912. I want to know was it part of your business at all to observe in what manner his hands were fastened?—(Goad.) No, sir, none whatever. I merely looked at him as I received him.

7913. Was there any special reason why you should look to see whether his hands were unfastened in front rather than behind?—(Goad.) No, sir, none whatever.

7914. You might or might not have observed it as a matter of curiosity?—(Goad.) That is all, sir.

7915. When you received him, to what position were you placed with regard to him?—(Goad.) With my face to him, sir. Of course I would be; I always receive a prisoner with my face towards him.

7916. What did you then do?—(Goad.) March him out to the yard.

7917. When you say you "march him," what do you mean?—(Goad.) I followed on, sir.

7918. Did you give an order to march?—(Goad.) Yes, sir.

7919. What order did you give?—(Goad.) "Right face, quick march."

7920. How were you placed with regard to him when you used the words?—(Goad.) Just as I would be standing and facing any prisoner here, sir, and he would be standing this way, the prisoner would. (Witness exhibits the attitude.)

7921. *Rossa*, will you stand with regard to the warden as you would have stood when he gave you directions to quick march?—(Rossa.) I will just describe the way that I believe I acted in marching Goad on these occasions. I came down with my hands before. He would open the irons and take them off. He would perhaps take one off only. I know there was one officer that left the irons on my hand once, and let me dress that way, but generally they were taken off entirely to dress, and then they were put on again.

7922. You could not positively say who put the irons behind your back?—(Rossa.) There would not be any other man.

7923. I want the warden to stand in the exact position with regard to you in which he would give you the word "right face, quick march"?—(Goad.) Just as I am now, sir.

7924. You then direct him to face to the right?—(Goad.) Face to the right, quick march.

7925. Give the word now?—(Goad.) "Right face, quick march." (The prisoner obeys the order.)

7926. When you give the word, what position would you keep?—(Goad.) I keep in the centre of the yard, and the prisoner would march right round me, sir.

7927. What size is the yard?—(Goad.) I should think it is about 20 feet square, sir, or more.

7928. (Chairman.) How far were you from him when he was marching. Were you twice the length

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of this room?—(Good.) Not quite so much as that, sir.

7929. (Dr. Lyons.) Was it your business to keep your eye constantly on him while he was at exercise?—(Good.) Yes, sir, I generally do so.

7930. Is that your business?—(Good.) Yes, that is my duty, sir.

7931. Is he obliged to march in a particular direction, or in a particular position, with regard to you?—(Good.) No, sir. I did not give him any order but that. He would march just according to his own opinion. I gave him no order on that, sir.

7932. Was there anything particular to make you remark whether his hands were still in front or behind while he was exercising?—(Good.) Nothing particular; I merely look as the prisoner is marching round, sir.

7933. Are you in the habit of exercising other men?—(Good.) No, sir.

7934. Have you exercised other prisoners?—(Good.) I have, sir, since a number, but not before.

7935. Have you exercised any prisoners who were in irons?—(Good.) Yes, sir, I have.

7936. Could you distinctly say, in reference to any prisoner you have exercised during the last two years, whether he had his hands handcuffed behind his back?—(Good.) I have never exercised any prisoner with the handcuffs passed in front, but chains on their legs; prisoners who tried to escape.

7937. My question is, have you exercised any prisoners with the hands handcuffed behind during the last two years?—(Good.) I have not, sir.

7938. But you have exercised prisoners with chains on the legs?—(Good.) Yes, sir.

7939. On which leg?—(Good.) On both, sir; one chain on each leg, and they lock up to a rivet, and a chain goes round.

7940. But nothing in your duty made it necessary for you to observe particularly whether O'Donovan Rosa had his hands manacled behind his back or not?—(Good.) No, sir, it was a mere matter of casual observation.

7941. Will you undertake to say, from the recollection of casual observation, that on all occasions his hands were manacled in front?—(Good.) They were, sir.

7942. Do you say that as the result of casual observation, it being no part of your business to notice particularly how he was manacled, that on all occasions when you exercised him he was manacled with the hands in front?—(Good.) He was, sir.

7943. (Mr. Brodrick.) Do you think it possible that you might be mistaken?—(Good.) No, sir, I could not be mistaken.

7944. (Dr. Lyons.) Now do you, O'Donovan Rosa, adhere to your statement, that you were on all these occasions manacled with your hands behind your back?—(O'Donovan Rosa.) I do, sir.

7945. You cannot be mistaken in your memory?—(Rosa.) I cannot, sir.

7946. Do you adhere to this statement, that you were exercised on all those occasions when Good was present with the hands behind?—(Rosa.) Yes, sir.

7947. (Dr. Greenock.) Do you think it possible that you could have exercised him without observing whether the manacles were put on behind or in front?—(Good.) No, sir; it could not be possible he could have exercised one hour without my noticing whether his hands were in front or rear.

Warder Good withdrew.

Examination of J. O'DONOVAN (ROSA) resumed.

7948. (Chairman.) The next point in your letter, upon which we understand you to complain in this; You state that you were stripped of fannels in mid-winter, and left shivering night and day for two months, until an attack of diarrhoea brought you the doctor, and a fannel waistcoat. What statement do you wish to make as to that?—I arrived in Pentonville Prison from Ireland on the 23d of December

1865. I brought fannels with me that I got in Mountjoy Prison. I was stripped of those fannels in Pentonville, and got no fannels in exchange for them.

7949. Did other prisoners come with you at the time?—Yes, my lord.

7950. How long did you remain without fannels?—I think about two months, my lord.

7951. When you say "fannels," do you mean waistcoat and drawers?—Waistcoat and drawers, my lord.

7952. Those fannels are considered part of the prison dress of Mountjoy Prison?—Yes, my lord.

7953. In consequence of that deprivation did you get any ill from then, or soon after that time?—Well, I do not know, did it contribute to bring on diarrhoea, but I got diarrhoea, and the doctor attended me for the diarrhoea, and gave me medicine and gave me also a fannel waistcoat.

7954. (Dr. Lyons.) What doctor was that?—I do not know his name, sir, but he was the doctor in Pentonville.

7955. (Chairman.) How soon after the fannels were taken away from you did you fall ill?—Some-where about two months I think, my lord.

7956. About two months after your arrival at Pentonville?—I think so, but I cannot be exact as to the time, my lord.

7957. What was the dress at Pentonville? I recollect of those fannels, was it as warm or more warm than that on you now?—About the same that I have on at present, my lord; but after a short time in Pentonville we got blue, such as may be seen on some of the prisoners here.

7958. Was that thicker, or not so thick?—They are about the same, my lord.

7959. Were you in very good health from the time of your coming to Pentonville until you got diarrhoea?—I felt extremely cold and could not get any heat night or day.

7960. (Mr. Brodrick.) Did you ask for fannels?—I think I did, sir.

7961. (Dr. Greenock.) Were you in hospital for the diarrhoea?—No, I was not, sir.

7962. Had you diarrhoea more than once?—I do not recollect that I had at Pentonville.

7963. (Mr. Brodrick.) Have you worn fannels ever since you got them on that occasion?—Yes, I have worn fannels ever since.

7964. (Chairman.) Had you been in the habit of wearing fannels before you came to prison at all?—Yes, my lord.

7965. (Dr. Lyons.) Did you wear fannels when you were free, for some years past?—Yes, sir.

7966. (Chairman.) Whether you asked for them or not you cannot tell?—I am not sure, my lord. I think I did.

7967. Did the doctor examine you after the first reception at the prison, before you got the diarrhoea?—He examined me a few days after reception, my lord.

7968. Did you complain to him of the cold?—I think I did, my lord. I am sure I did.

7969. (Mr. De Vere.) Did any of your fellow-prisoners complain to you of want of fannels?—Yes, I was exercising one day, and a man named John Lynch, just as we were passing by—we were exercising in concentric circles—as I was passing him he shook his shoulders and said, "The cold is killing me."

7970. Had he fannels?—I do not know. I made up my mind that he was treated like me, and felt some of the cold I felt myself.

7971. Try to recall to your memory whether you asked for them or not?—I could not be sure of it, sir. I could not be sure of it, sir; but from the soundness of cold I experienced I would rather say I did.

7972. You say in your statement that an attack of diarrhoea brought you the doctor and a fannel waistcoat?—Yes, sir.

7973. When the doctor came to you, did you complain of cold to him?—I did, and asked about flannels.

7974. Did he ask you whether you had been in the habit of wearing flannels before?—He did not, sir.

7975. Was it part of the discipline of the prison, to which all your fellow-prisoners were subjected, to be deprived of flannels?—As far as I understood, we commenced with them afterwards in Portland.

7976. Which of your fellow-prisoners ever complained to you of having been deprived of flannels? John Lynch, you say, never spoke to you of flannels, but of the cold. Did any of the prisoners complain to you of the want of flannels?—All the prisoners that were in Portland with me; we were about 25 in number, and I think every one of those that I met had the same complaint.

7977. You speak of suffering from cold at night; how were you off for bedclothes?—Well, I had two blankets—they were light—and a rug and two sheets.

7978. (Chairman.) This was at Pentonville?—Yes, Pentonville, my lord.

7979. (Mr. De Vere.) Did you ask for more bedclothes after you got the diarrhoea?—No, I did not, sir.

7980. Had you asked the doctor to give you flannels, or was it his own suggestion?—I asked the doctor; say way I represented to the doctor at the time that I was ill, that I had no flannels, and that I felt cold. I think I asked him would he give me some flannels.

7981. Are you sure whether you asked him for additional bed covering at the same time?—I am not sure. I do not think I did. I do not think I asked him for any bed covering.

7982. Have you been allowed a suit of flannels from that time till now?—Yes, sir.

7983. Have you suffered from any deficiency of clothing from that time till now?—I have in Portland; at least it might not be deficiency of clothing. Well, it was a deficiency of clothing when I felt the cold. I felt very cold. I felt so cold at one time that it induced me to leave off work and go into the cell one morning.

7984. Were you then employed in the quarry work at Portland?—I was, sir, and the hands got sore; they got yellowish, the skin, and whitish, and then got broke out as we say.

7985. Do you know what chilblains are?—Well, I never had anything like those before, never had chilblains, but in three or four places the flesh just melted out.

7986. Did the doctor treat you for it?—I showed them to him in Portland. I asked him for inside work, and he said my hands were not bad enough yet.

7987. (Dr. Lyons.) He said what?—He said my hands were not bad enough yet to give me inside work.

7988. (Dr. Greenhow.) What doctor was that?—The eldest of the doctors in Portland. I do not know the name.

7989. (Mr. Bradrick.) Was it Blaker?—I think it is Blaker.

7990. (Mr. De Vere.) State the exact words that he used?—I showed him my hands, and asked him wouldn't he give me inside work, that the flesh was going off my hands—stripped, and he asked to look at the hands, and the observation he made was, my hands were not bad enough yet for inside labour. "I will get you a pair of gloves," said he; and then I was taken to what is called the hospital, and got a pair of gloves and worked with them.

7991. (Dr. Lyons.) What kind of gloves did you get?—They had no fingers. They fit on the hand like a bag. They call them "gloves." I was treated for the hands in Millbank after leaving Portland. They kept on for a few months up to May. I got a statement from the doctor in Millbank for them.

7992. How long were you suffering from diarrhoea?—Two or three days.

7993. Was the diarrhoea severe?—It was severe.

7994. Did it amount to your bowels being acted on many times during the day?—Yes.

7995. And during the night also?—Yes.

7996. Was it continuous for three days?—Well, I was not well for three days.

7997. Was your stomach sick?—No, the stomach was not sick.

7998. When you got ill of the diarrhoea the first day, did you at once send for the doctor?—I did.

7999. Did he come to you within a reasonable time?—Yes.

8000. Did you get suitable medicines?—I got some medicines from him. I took it two or three times.

8001. The diarrhoea lasted three days?—Yes.

8002. Had you been subject to diarrhoea before you came into prison?—No, I was not.

8003. Had you an attack of diarrhoea on any other occasion during your imprisonment?—I had since. I had twice in Millbank, the stomach affected, and the bowels.

8004. Was your food altered in any way while you were labouring under diarrhoea?—The food was altered five days. After the five days I was got back to penal class diet, and then the diarrhoea attacked me again, and then I was got back. I was after bread-and-water diet at the time.

8005. Do you say that the first attack of diarrhoea came on after you had been on bread and water?—The attack in Millbank came on, but the first did not.

8006. You had no bread and water antecedent to the diarrhoea in Millbank?—I had not. My lord, I have some papers, intending to give them to you, pursuant to a letter that I sent you on Monday, and this matter that I am speaking of—Mr. Lynch's, about Pentonville—is noticed in these papers. Some of them are printed. I intend to give them in as a statement, because they emanate from myself.

8007. (Chairman.) Are they statements of facts?—Yes, that I acknowledge myself, my lord.

8008. Not comments?—They are no comments, my lord. You told me, my lord, that any matter that I could give evidence in regarding other prisoners I would be allowed to do so. I have marked in that pamphlet matters that I could give evidence on, and added my signature to them.

8009. If you hand them in we will look them over?—Yes, my lord.

8010. Do you wish to hand in certain papers for our perusal?—Yes, statements, my lord. There are matters in them relating to my treatment, in fact nearly all relating to my treatment, and I am satisfied to be examined on them.

8011. They are passages taken from newspapers?—No, but letters I wrote myself.

8012. You hand them in to us instead of repeating the same statements that are made in these letters?—Yes, my lord.

8013. Just describe them as you go on, please?—The letter, my lord, that I sent you on Monday describes them, if you have it by you.

8014. Your one letter; call out their names?—Very well, my lord. One is headed, "A voice from the dungeons," written from Portland Prison.

8015. (Dr. Greenhow.) Who is that written by?—It is written by me, sir.

8016. (Chairman.) Go on?—Another is headed O'Donovan Rossa, M.P.

8017. (Dr. Lyons.) Was that written by you?—Oh, no. The heading was not written by myself, but this is written by me.

8018. (Chairman.) You accept it as containing facts which you wish to lay before us?—Yes, my lord.

8019. (Dr. Lyons.) The main part of it is written by yourself?—Yes, except the heading.

8020. (Chairman.) What is the next?—Another is, "The Fenian convict O'Donovan Rossa," and pinned

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on the same sheet another, "Jottings from Chatham Prison; the copy of a memorial to the Secretary of State from Portland Prison;" a pamphlet headed, "Things not generally known."

8021. (Dr. Lyons.) Marked I think by yourself?—Marked by myself, but it was not I who wrote that pamphlet.

8022. But you have marked it?—I have marked every place that I am prepared to give evidence upon, by drawing a line down along.

8023. (Mr. De Vere.) Any place you have marked details some circumstance that you are prepared yourself to give evidence upon?—Yes. Now, I have six letters to my wife, but I would be only troubling the Commission by giving them in. I would give them in only with the object of having it shown that these letters were suppressed because they contained a few of the allegations in the others; that is, these letters are the same as the matters contained in these papers.

8024. (Chairman.) Then you need not hand them in?—Except that one object of showing that they contain no falsehoods.

8025. Then you can hand in those letters. How many are there?—Six letters; there are seven. I had a letter from Mr. McCarthy Dowling, saying that he would be prepared to be examined at the Commission if I required it; and so I will also put in this letter, and if you think there is anything in it—

8026. It is for you to say whether you wish to have him examined?—My lord, what is in that is contained in the other letters.

8027. (Dr. Greenhow.) What could he be examined on?—As to his attendance here, and questioning me as to the truth of matters contained in that letter, and the way he was met by the deputy-governor, and the clergyman; and the officers, that he asked about the treatment.

8028. (Chairman.) But he does not know of his own knowledge any of the facts of which you speak?—He does not, my lord.

8029. What other documents have you to hand in?—Petitions to the Secretary of State. They are not my property, my lord; they were sent to me for the Commission.

8030. (Dr. Lyons.) Do I understand that you wish to send for Mr. McCarthy Dowling?—My wife showed me a copy of some correspondence he had with the Secretary of State. If both attend I would wish it.

8031. (Dr. Greenhow.) Both of them?—Both Mr. Dowling and the Secretary of State, on the treatment on the inaccuracy of the statement Mr. Bruce made in Parliament. Mr. Dowling has written to him, saying he called to this prison and made a kind of examination among the prison officials.

The Commission deliberated.

8032. (Chairman.) We are come here, O'Donovan, to receive any evidence which you or any person in your position may wish to tender. If you wish to have Mr. McCarthy Dowling examined you can tell him so, and he can offer himself if he likes to do so; but the Commission do not see any reason for

calling him?—Well, my lord, I will abide by the decision of the Commission.

8033. The Commission do not decide the point. You are not to think that the Commission has decided?—(No reply.)

8034. (Chairman.) We shall be perfectly ready to see Mr. McCarthy Dowling and hear anything that he has to say, but we do not think it material that we should call him. You can do so if you like?—(No reply.)

8035. (Mr. Broadbent.) What any witness has to say must bear upon one of the two subjects of our inquiry. Those two subjects, as you know, are the general treatment of prisoners in English convict prisons, so far as it may bear on the treason-felony convicts, and also the question as to any exceptional treatment which the treason-felony prisoners may have endured. It is not for us to determine whether the evidence of Mr. McCarthy Dowling or of anybody else would bear upon these subjects. If you think it would, we shall be most happy to receive it.—You see, sir, Mr. McCarthy Dowling came down here, and in a letter that I have seen from him he states that he asked some questions of Captain Hardy, and Captain Hardy denied that I was kept with my hands handcuffed behind my back. Mr. Dowling asked him had he the prison books and all punishments recorded, Captain Hardy said yes, that he would bring them, and he came back and said that the governor was away, and that he could not do it. Now I think that if those books were produced—

8036. (Chairman.) We have them before us?—From the difficulty that I had to get out the truth from the officers to-day I do not see that you can get at it.

8037. (Mr. De Vere.) We have gone most carefully over the records that are to be found in any and all the prison books?—(No reply.)

8038. (Chairman.) If you think Mr. McCarthy Dowling's evidence useful you had better communicate with him; but we cannot. You can have any witness you please?—Might I expect at the examination of my wife on Monday, that I will be allowed to see her and take a final leave of her?

8039. You asked me that question just now; I told you what the Commission had decided. I am afraid that I cannot hold out any hope to you?—But being in the neighbourhood a few days longer, I would have a natural desire to see her.

8040. (Dr. Greenhow.) We have already broken one rule very seriously in your case.

8041. (Chairman.) I think we may say this, that you cannot see her during the continuance of your examination. When your examination is over, if she be still in this neighbourhood and you wish to see her, we will represent to the prison authorities that it is your desire to have an interview after the examination is over?—Thank you, my lord.

8042. (Dr. Greenhow.) We have no power to order it, but we shall recommend it.

8043. (Chairman.) I have no doubt that it will be carried out?—Thank you, my lord.

The prisoner withdrew.

The Commission adjourned.

Woking Prison, Friday, 22nd July 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
S. D. DE VEE, ESQ.DR. LYONS.
DR. GRACEBROW.

Captain HARRIS recalled.

Capt. Harris.

22 July 1870.

8044. (Chairman.) Did you, Captain Harris, on or about the 16th of this month, forward a letter to Captain De Cane, reporting that you had read to the prisoners a memorandum sent to them by way of answer to a memorial received by the Commissioners from them?—I did, my lord.

8045. Did you also report to Captain De Cane that you had received from the treason-felony prisoners a statement to the effect that they would not lay any written statement before us?—I did.

8046. Was that the result of personal communication by the prisoners, separately and individually to you?—It was. I asked each of them separately; each of those six whom you refer to.

8047. I have got the letter before me. Which of the prisoners was it from whom you received that information?—From Bryan Dillon, William F. Rosentre, Denis D. Muleahy, Thomas Bourke, Edward Power, and Patrick Ryan.

8048. Six?—Six.

8049. Have you subsequently forwarded to Captain De Cane a letter containing any information in reference to supplying statements as regards two other prisoners?—I have.

8050. To what effect was that statement, and to which prisoners did it relate?—It related to John Murphy and Richard Burke. Shall I state what it was?—8051. When was that report made?—I have not the date here, but I have got it in the letter book.

8052. (Mr. De Vere.) Did that communication, Captain Harris, as to Murphy and Burke refer to a communication in writing, that they would make no statement in writing?—It did.

8053. (Dr. Lyons.) How did you ascertain from Richard Burke that he would make no statement to the Commission?—I merely put the question to him, and I can give you his answer.

8054. What question did you put to him?—In the presence of the other prisoners I have asked him—

8055. Of what other prisoners; can you name them?—Muleahy, Thomas Bourke, Ryan, Power, and Dillon. I am not very sure whether Rosentre was there or not. I rather think he was.

8056. But you are sure of the others having been present?—I am sure of the others.

8057. In their presence, what did you say to him?—I asked him whether he had any written statement for the Commissioners. He did not appear to catch what I said, but merely to hear the last word, "Commissioners." His answer was, "I have fixed up everything with the Commissioners." I repeated my question as to whether he had any written statement to lay before those gentlemen. Thomas Bourke endeavoured to explain the question to him, and I said again, "Will you give in any statement?" upon which he said, "I will give anything to anybody." I then left him.

8058. You are sure of the exact words?—Quite certain of them.

8059. Did you take them down at the time?—I

The witness withdrew.

THOMAS BOURKE, prisoner, recalled.

8077. (Chairman.) Thomas Bourke, you have informed the deputy-governor, Captain Harris, that you desired to make any written statement to the Commissioners?—I am not aware that I have informed the deputy-governor as, sir. I wrote a note, or at least I sent a joint letter written by the political prisoners in this prison and addressed to you some days ago.

called the officer's attention to them, and remember them distinctly. The officer was present.

8060. You did not write them down, did you?—I did, in a letter to the chairman a few minutes afterwards. I have no doubt about the words, for I remember them distinctly.

8061. You then left him?—I then left him. This took place in the exercise yard, in the presence of the others I have mentioned.

8062. (Dr. Greenwood.) Mention again what he said the last time?—I said, "Will you give in any written statement?" to which he answered at once, "I will give anything to anybody."

8063. (Mr. Brodrick.) Is Richard Burke, then, capable of taking exercise?—Perfectly.

8064. And has he taken exercise habitually of late?—Quite lately, he has; but for a month past I think he has not taken much. He said I know he has not. He has been in bed a good deal.

8065. Has he of late been capable of walking round the yard?—Yes, within the last week.

8066. Within the last week?—Certainly.

8067. (Dr. Lyons.) Can you give us the date of that interview in the exercise yard?—I cannot give that date from memory. The date of the letter will give it.

8068. Can you ascertain from your book?—I can. (Witness withdraws for a few minutes.)

8069. I asked you, Captain Harris, upon what day this interview took place between you and Richard Burke?—This was in the afternoon of the 20th of July, about, as nearly as I can remember, half-past 4 o'clock.

8070. In the hearing and presence of the others?—Of the others.

8071. (Mr. De Vere.) What was the date of the previous communication, Captain Harris?—The 16th.

8072. Have all those men received all the documents which they asked for and which you are permitted to give them?—They have. They have had some of them since the last sitting of the Commission. Many of them have been furnished since then.

8073. (Chairman.) I think you reported to Captain De Cane that you had done so?—I did.

8074. (Mr. Brodrick.) Was it after all those documents were furnished that they stated to you that they declined to make any written statement?—It was. They declined to submit any written statement before receiving the various documents asked for, and they repeated their refusal after being furnished with them. They were furnished with all documents sanctioned by Secretary of State before the first day fixed by the Commissioners, with the exception of one. Muleahy did not ask until a late date for one of his petitions here, and that he was not furnished with until the 18th of July. He applied on the 11th.

8075. (Chairman.) You read my reply?—I did to Muleahy.

8076. And to the others?—Yes, to each of the others.

T. Bourke.

Unless the deputy-governor gets his information from that, I do not know how he gets it.

8078. You have transmitted to us a document which was received, and to which an answer was sent. The answer was read to you, I believe?—Yes, sir.

8079. The answer was that you declined to comply with the request contained in this memorial. Captain

T. Stephens.
22 July 1838.

Harris subsequently reported that the six persons who signed that had expressed to him their intention of declining to make any written statement. Is that so?—No, sir. I am not at all aware that Captain Harris asked me such a question, or did I make such an answer with the view of its being so understood. He said to us on a couple of occasions—

8060. You will recollect that the written statement was to have been sent in by Friday, the 15th?—So I understood, sir. I quite understood that.

8061. None was sent in?—None was sent in by me, sir.

8062. Then that day having passed, and no written statement having been sent in, I must now tell you that we are prepared to receive any statement by word of mouth that you may wish to make, and to ask you now you prepared to make such, and at the same time that you are to understand that this is the last opportunity?—Would you permit me to explain, sir? The deputy-governor asked me on one or two occasions, Have you any statement to send to-day? My answer was "No." I should not imagine from this language that he would be justified in saying that I had given answer to the question "Will you give any statement to the Commission?"

8063. You have been informed before that the 15th of July was the last day for sending in a written statement?—Just so.

The prisoner withdrew.

B. Dillon.

BRYAN DILLON, prisoner, recalled.

8068. (Chairman.) Sit down, Dillon. (The prisoner sits.)

8069. (Mr. De Vere.) Are you suffering from illness, Dillon, now?—Yes, sir, my legs; from the effects of that fall. I should think I have lost power over the muscles; they have become numbled up here in the thigh, and it has been extending lately. Some days I feel better.

8070. (Chairman.) Dillon, on the 12th of July, you, with others, addressed a representation to the Commissioners?—Yes, my lord.

8071. Making your giving in a written statement conditional on our complying with certain requests which you put into that letter. I think the governor read to you an answer from the Commission, saying that we declined to comply with those requests?—He did, my lord.

8072. The governor subsequently reported to us that you, with others, had declined to make any written statement to us, because the written statement, as you will recollect, was to be sent in by the 15th of this month, and no written statement was so sent in to this instant. Now, having declined to make any written statement, we are now here again prepared to receive any statement by word of mouth from you which you may wish to submit. This is the last opportunity. Are you desirous and prepared to make a statement now by word of mouth?—Yes, my lord. I have changed my mind within the last two nights owing to the recent conduct of Dr. Campbell, and I am determined on reading my evidence and tendering it as oral evidence in that way.

8073. Very well.

8074. (Dr. Lyons.) What do you mean by "the conduct of Dr. Campbell"?—I will explain that afterwards. I have detailed it here.

8075. (Chairman.) You will now lay your evidence before us?—The fact of the matter is that I had made up my mind not to go into it. I had received a letter from my friend Mr. Kiekham, and Mrs. Leby and others here been here, and it was the opinion of all our friends outside that we should not go on with the Commission under the present circumstances of the power that you have. But I do not think it really safe for me to continue unless I lay before you the statement about Dr. Campbell's treatment, and his manner towards me.

8076. You can state what you wish to state?—When they found out that we did not intend to give

8074. And you told him that you were not prepared to send in a written statement on the day asked?—On the day asked, sir. I think now, sir, unless the terms are complied with on the terms assigned which were granted by the Commission, I do not think there is any possible use in my making a statement.

8075. You will exercise your own judgment?—I feel it rather a disagreeable position to have been placed in, to have to refuse the possible good that might result from the action of the Commission; but I think that inasmuch as the Commission is so hampered, not having the power to grant us certain things that we consider essential, it would do us no possible good. I have made statements—so have we all from time to time—so the Secretary of State, of our treatment. The inevitable answer was, "no grounds." There can be no use in our making the same form of groundless statements. I am further firmly impressed with the belief that the Commissioners are desirous of doing us a service, and, indeed, it is such a Commission as I would wish to give testimony to; but your power is so limited that I do not think you could do us any good. This is my opinion.

8076. Is that your final answer?—This is my final answer, sir.

8077. Then you can withdraw, if you please.

the statements they commenced their old system of assurances and persecution.

8077. Read your evidence, please?—My lord, I commence with the action served on me the 16th of last June. I shall read it:—

Subjects upon which the Commissioners appointed to enquire into the treatment of treason-felony convicts will permit such prisoners to address them:—

8078. You will hand it in?—I could not hand you my statement.

(1.) Treatment, diet, discipline, or disregard of the condition necessary for health.

(2.) Exceptional treatment; or subjection to any hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude.

Statements may be submitted in writing.

Any statement made by a treason-felony prisoner is to be strictly limited to the above points, and must refer only to facts within the knowledge of the prisoner himself.

W. J. V. HARRIS, Deputy-Governor.

I shall merely premise at present that that portion of the second condition, commencing with the words "or subjection to any hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude," affords to the prison officials a convenient cloak under which they may shelter at pleasure, as it is well known to every person practically acquainted with the hardships incidental to penal servitude, that it is not possible for man to undergo any other or greater hardships than already belong to the condition of a prisoner undergoing a sentence of penal servitude. The prisoner then read the following statement:—

"In printing this paper as part of the evidence, the Commissioners think it right to state that of the allegations contained in it, many relate to matters not within the scope of their inquiry, many rest on mere hearsay evidence, and many are of such a character that they did not think it their duty to investigate them in detail. Let it be said that appeared material and capable of investigation they have inquired."

The statement is printed as it was handed in, certain passages or words only being omitted which could not properly be published, and which had no material bearing on the case of the prisoners.

The Commissioners desire it to be understood that they attach no weight to reflections cast upon individuals, except where special reference is made to them in the report.

I was conveyed under the Treason-Felony Act, and sentenced to 10 years' penal servitude, at the Special Commission which opened at Cork on the 14th December 1885.

I was removed to Mountjoy Convict Prison, Dublin, on the 21st December following. I was immediately on entry stripped perfectly naked in one of the offices in the presence of a great many persons, including some of the police who had accompanied me from Cork, two military officers, and several persons in the clothing of civilians, and who I believe were there out of curiosity. After a search of my naked person—an unnecessary as it was shameful—I was sent into the prison in the charge of two prison officers to the cell allotted to me.

Before going to bed that night I was ordered to hand out my clothes and search through a little trap door in the centre of the cell door; thus I had to do every night during my stay at Mountjoy.

During that night, and on every subsequent night while at Mountjoy, I was awakened—or rather, kept awake—by the unbarring of the trap door every twenty minutes by the officers on night duty. When the trap was open the officers flashed a light from a powerful reflector lamp upon my face, and having ascertained themselves that all was right, they closed the trap with a bang, leaving me to enjoy that peace and darkness for twenty minutes which the thieves and other criminals enjoyed without interruption or disturbance the entire night.

8099. It is no part of our functions, or within our power, to inquire into anything alleged to be practised at Mountjoy. I do not like to stop you; you can read it if you like, but we have only to inquire into what the practices in English prisons are?—I thought British prisons; Mountjoy is an English prison, my lord.

8100. It is not within our Commission?—I tender it, my lord.

8101. You can tender it?—“When it is recollectcd “that Mountjoy is an exceedingly strong prison, “built of granite or limestone, and that a strong military guard occupied the prison day and night —”

8102. We are to inquire into the treatment of prisoners undergoing sentence of penal servitude in convict prisons in England?—Oh, well, my lord, Mountjoy is an English prison. “It is part of the treatment.”

8103. You had better read on?—

When it is recollectcd that Mountjoy is an exceedingly strong prison, built of granite or limestone, and that a strong military guard occupied the prison day and night, that sentences were posted outside the walls of our cells, challenging and calling out “All’s well!” at short intervals during the night, the Commissioners will hardly be imposed upon if they may recognise at all such specious justifications of exceptional treatment of this kind as prison officials have always at hand to be used when wanted.

This treatment was in truth an ingenious contrivance for the destruction of the health of body and mind; and as it was a hardship beyond that incidental to the condition of an ordinary prisoner undergoing a sentence of penal servitude at Mountjoy, I respectfully submit that it was exceptional treatment of the cruellest kind, and that it displayed a total disregard of at least one of the primary conditions essential to health.

I was removed from Mountjoy to Pentonville, in London, about the middle of January 1886.

I was introduced to another political prisoner named John Casey during the passage from Kingstown to Holyhead. The weather was very rough, and Mr. Casey was very sick; he was repeatedly purged, and as the officers in charge would not remove the handcuffs while Mr. Casey was at the closet I was of necessity compelled to accompany and remain beside him while at stool. I became sick from this attendance. As we were in one of the cabins of the steamer, surrounded by prison officers and by an officer's guard or company of the Royal Marines, I submit the refusal to remove the handcuffs was indecent, brutal, and exceptional

treatment not necessarily incidental to the condition of a prisoner undergoing penal servitude.

While journeying in the train from Holyhead to London I found the light bed covers, given to me at Mountjoy, totally insufficient to keep me from becoming excessively cold. The weather was cold and showery, but the principal officer from Millbank, who met us at Holyhead, being furnished externally and internally against all weathers, kept the window of the railway carriage open, beside which I was seated, in order to point out the beauties of the scenery to the Irish principal officer, Mr. Lawler, until I had to tell him the draught was affecting my chest. He looked at me with surprise; the anxiety of my address evidently astonished him. After a while, however, he closed the window. Principal Officer Lawler, noticing my cold appearance, recommended me to remove the coverlet from my legs to my body; but as my legs were stiff with the cold, and as I was apprehensive of an attack of rheumatism there, I did not do so. He then said, “I suppose they’ll get something hot when they arrive in London;” to which Principal Officer Hanly replied, “O yes; they’ll get a hot supper.”

8104. He was a Pentonville officer?—He was; he came from Millbank. We got sandwiches during the journey.

On arriving at Pentonville I was stripped naked, and searched in the presence of several prison officers and of all my fellow-prisoners who had undergone or were awaiting their turn to be searched; we were drawn up in a line, and perfectly naked. After searching, and handling the external parts of my body, the officer looked into my mouth and ears-holes, and by the aid of a lamp looked up my anus while I stood upon one leg. Political prisoners coming from another convict prison where they had been closely watched and searched were subject to this search and brutal treatment because criminals sometimes hide tobacco in their anus. I was then handed a suit of the Pentonville clothing, which I found much lighter and colder than the Mountjoy suit I had taken off. I got no flannels then. The doctor came; he asked me if there was anything the matter with me. I told him I feared a rheumatic attack. He fastened his hand, and asked similar questions of my fellow-prisoners. I was handed a small loaf of bread and some cheese, and sent to my cell “A.1.5.” Expecting the hot supper promised by Principal Officer Hanly, and being very cold, I was much disappointed when two night officers ordered me to hand out all my cell furniture and clothes, and go to bed. One of them, noticing the wheezing of my chest, said, “O you are hot in the chest; you’ll be soon done for.”

The report of Messrs. Pollock and Knox states we received a warm supper upon our arrival at Pentonville. This is untrue. The prisoners who arrived there in the middle of January 1886 got no hot supper, though entitled by the prison rules to hot gruel. Mr. Melchey, now in this prison, who arrived with a subsequent batch of prisoners, can speak for himself and them.

The next morning I was drawn up in a line with my fellow-prisoners. The governor soon appeared. He first ordered two criminals, who were standing some distance from us under the charge of an officer, to fall into the same line with me. He then spoke to us in a contemptuous and menacing manner. He said that we were convicts, and had heard the rules read; if we broke them we would be punished severely; if we kept within the rules we would be treated like men—like other convicts; we would get our mitigation, but it could only be earned by hard, very hard, work; and that we could always see him on application. I told an officer I wanted to see him then. Going to my cell I found the governor at the door, apparently awaiting me. I innocently commenced to address him. I was ordered to stop in a harsh and peremptory tone, and to fall back to the end of my cell. He then asked me with a frown, “What did I want?” I said I wanted to write my recap-

B. Folio.

22 July 1889.

See Report, pp. 10, 81.

See Report, pp. 85.

See Report, pp. 176.

See Report, pp. 115.

A. Dille.
22 July 1870.

sion later. He sagely replied, "You shall neither write nor receive letters until I hear from the Secretary of State."

On this or the following morning—it was the following morning he certainly examined me—I was taken before the doctor; he was seated in a cell; he looked at my naked back, and made some entries in his book. I asked for fannels. He said, "You may have them." My chest was wicker at the time. The above was the only medical examination the doctor ever made of me.

Ordinary prisoners are allowed to write reception letters immediately. I have never seen them brown-bested or spoken harshly to when making applications to prison officials, yet the governor of Pentonville never spoke civilly to me, or looked at me without frowning contemptuously.

See Report,
part. 36.

I was now nearly two months as inmate of convict prisons without being allowed to write home. I had been refused liberty to write at Monday also. Seeing that I was clearly entitled to write under the rules standing on my cell table, and which I had been directed to read, I again applied to the governor for liberty to write. I also told him I had an appeal pending, and wanted to know if my attorney was prosecuting it. He replied, angrily as usual, he did not want to know anything about me or my appeal; all he knew was that I was consigned to his charge as a prisoner, and that he would keep me there; a resolution which he explained by banging the door as he went away.

Some time afterwards the visiting priest, the Rev. Mr. Zanetti, to whom I had complained of this harsh treatment, brought me a letter which he said the director had given him for me.

See Report,
part. 32.

While I remained at Pentonville I had to place all my cell furniture outside my door every night; I then had to undress and wait with my clothes until the officers came round to me again. This took them from 30 minutes to half an hour. I then hauled them the clothes, which they counted and examined; and at length I was at liberty to go to bed. In the morning I was obliged to step out in my shirt to the ward for my clothes and furniture. It is called a ward or corridor out of your cell.

8103. Outside the door?—Outside the door of my cell, my lord. Stepping from the ice-cold floor of the cell into the heated air and floor of the ward was like passing from a cold to a hot bath. I can only account for the difference in temperature between my cell and the corridor or ward in this way. Cold air was continually pouring in through two or three open spaces cut in so many panes of glass in the window of my cell. There was nothing to lessen or exclude the air if required, though I noticed an apparatus for that purpose in other cells as I went to exercise. My door was also kept closed day and night, when I was out of the cell and at exercise as well as when I was in it. I think it only right to add that I have heard some of my fellow-prisoners say their cells were always warm, but the facts respecting my cell as above stated are true. I was always strictly searched when entering and leaving my cell, and I was stripped and examined once a week in an indecent manner, except during the time I was sick, standing naked all the while on the cold floor of a cell. I had to lie upon a wooden platform, called a guard bed, raised a few inches at the head from the cold floor, and considerably below the mouth of the privy, at one corner of my cell. As there was only a convex tick stuffed with hair, and of about the thickness of an inch—in fact there was no thickness in the centre of it—between my body and the boards, and as I could not turn to ease myself owing to the curvature of my spine, without hurting myself, unless I nearly sat upright I could sleep but little and rose sore and unrefreshed in the morning. All this did not erode a great regard of the conditions necessary for health.

January the 25th '69.

One day after exercise my left knee began to swell and became exceedingly painful, getting worse after a short time, and finding that I could not sit or stand with it, or remain in any posture, even for a moment, except by supporting myself on my arms on the table and standing on my right leg, I tapped to the bell, called it, and told the officer who answered my summons the state I was in. I desired him to ask permission for me to go to bed. After a short time he came back and said the doctor had left and that the governor could not give me liberty to go to bed.

8104. What time of the day was this?—It was the afternoon, my lord, January the 25th, '69.

8107. (*Dr. Lyons.*) What hour?—I should presume it was between 2 and 3 o'clock. I was forced to remain leaning and sprawling on the table and standing on one leg, suffering the most acute throbbing pain the while, from, as well as I now remember, after the mid-day exercise until bedtime, the officers who came to take out my furniture and clothes at night relieved me from this helpless and painful position by undressing and putting me to bed. I could not address myself. My leg was then as powerless as if it were paralyzed; it was exceedingly inflamed, and I could not stir without causing myself the most intense pain.

8108. (*Mr. De Vere.*) Can you state the names of the officers who attended you to go to bed?—No, sir; but if I saw them I would know them. There were two officers come around every night. They were changed every night.

8109. (*Chairman.*) How was your ward designated?—A, 1, 5 is the cell I was in, my lord. The facts being so, I could not of course rise to water in the privy during the night, and was painfully compelled to water on the floor beside my bed, being necessitated to do so repeatedly, my bed was literally surrounded by a pool of urine in the morning. It was allowed to remain there all day and until the evening, when the governor ordered it to be removed—emptied out.

8110. (*Mr. Brodribb.*) Was there no help?—No, sir; that was a privy at the end, and you are supposed to get out of bed at night and walk across the cold floor to this. I heard subsequently that they closed up these privies since, but I cannot vouch for the truth of it, from a prisoner who arrived here.

The doctor came to me next morning, about 10 hours after I had reported myself sick. I told him how I was, and asked him to take me to the infirmary. He said I'll treat you there; and in the act of pointing out the state of the floor to him and asking for a towel, he abruptly left the cell repeating, I'll physic you; I'll physic you; I'll physic you. He said that three times.

8111. (*Dr. Greenhow.*) What was the name of that doctor?—His name was Bradley, I think.

8112. (*Dr. Lyons.*) Bradley?—Yes.

8113. He said it three times?—He did, indeed; and said as I was I laughed at it.

8114. Are you sure of the words?—Oh, perfectly sure. I can swear to them if necessary. He did physic me, and placed me on a dietary of gruel morning and evening, with a pint of beef tea at noon. I got a "collar pot" subsequently.

8115. How soon after?—A couple of days after; two days as well as I remember now. While sick, officers refused to let me keep a glass for water in my cell at night. One of them said he would see the principal officer of the night about it, but I heard nothing of it afterwards, and did not get it. After four or five days, finding the swelling and inflammation had gone down, I asked the doctor for liberty to get up; this he readily granted. I also asked him for nourishing food as I felt very weak just then; he turned angrily on me and said, "What do you mean by nourishing food?" and left the cell without waiting for an answer.

8116. (*Dr. Greenhow.*) Was this Doctor Bradley?—Yes, etc. I was placed on the ordinary prison diet

that day by the doctor's orders, and declared convalescent.

8117. What day was that?—That was January the 29th, sir. Here it is; I was perfectly correct in my memory about it. I will show you, sir; the 29th, convalescent: the entry is, "The 29th, convalescent, a Julien of ammonia, his ordinary diet, and to keep "oil." On the 30th of January he says, "Off hat, and ought to keep oil for three days." He would not let me out.

8118. (Chairman.) January the 30th, is it?—Yes, my lord. He made an entry, "Off hat; to keep oil three days." I was perfectly correct in my memory. The next morning, as he was making a general circuit of the prison after this fashion, the cell door was thrown open, the word doctor was pronounced at the same time, and you just had time to turn around and see the shires of his coat vanishing past your cell door. I started up as he did not come into me and kept the door open until he came back by the cells at the opposite side of the ward. The warder finding my cell door open angrily told me close it. I told him I wanted to see the doctor, who was then opposite me. He replied "I'll tell him you want to see him," and closed the door.

8119. (Dr. Lyons.) Closed the door?—Yes, closed the door in my face; closed me in.

8120. (Chairman.) What time was this?—It was on the 30th. The 29th was the day he said I was convalescent. I knew this was the 30th of January. I find I was struck off the list on that day, and ordered to keep oil for three days. The doctor did not come to see me.

8121. The doctor did not come?—Yes; but during that day his compeer or inferior principal came and told me the doctor could only place me on the ordinary prison diet, and I was accordingly on the day upon which I asked him liberty to get up discharged from hospital treatment and placed on "the ordinary diet," which never agreed with me, and portions of which I was then and always unable to digest when necessitated by hunger to eat it; I was confined three days to my cell. The day of my discharge from medical treatment, being purged the doctor asked the principal something respecting the medicine I was taking; I told him I was purged; the officer shook his head in reply; both left the cell, and shortly afterwards the officer returned with a draught which he desired me take. The draught is mentioned here. I did not know what it was, nor do I now. I did and felt a burning sensation in the throat, and along the passage to the stomach, and in the stomach after it had entered it; from that day and during the remainder of my time in Pentonville, and for some time in Woking, as soon as I had eaten anything, I felt such a soreness and pain in the stomach, as if a knife was being run through me, that I was obliged, to ease the pain, always to rub my stomach with my hand; after eating my dinner I spent the residue of the dinner hour on my knees on the floor, rubbing my stomach until at length I actually wore the skin off. I told the officer the after effects of the draught upon me. He replied the draught was not the cause, but the medicine I had been taking previously might be. I did not know the cause myself, of course, but all I know is that that occurred.

A few days after getting up I was visited by the director, Captain Gambier, who asked me, in a rather kindly tone, how I was, and how long had I been sick. To my intense surprise, the governor also quite sympathetically said, "Are you better?" Only a few days previously, when lying in bed, and unable to move, upon being told by Principal Officer Cosgrove that I was still unable to get up, he replied, bitterly, "No, nor never will I."

8122. (Mr. De Vere.) Who said that?—The governor.

8123. (Dr. Lyons.) To whom?—To Cosgrove in my hearing. Cosgrove said, "He is not able to get up yet, sir."

8124. Who was the governor?—I heard his name was Benson, a tall good-looking man.

8125. Repeat it again?—Principal Officer Cosgrove said that I was still unable to get up. Cosgrove said that in a flinging way for me. He was the only decent man I ever met amongst them. He replied bitterly, "No, nor never will I."

The confinement, long working hours (from 6 in the morning, I believe, until a quarter to 8 o'clock at night, during which time I sat at a table incessantly sewing), the hardships incidental to prison life, aggravated by the food which disagreed with me, and the exceptionally severe nature of the discipline above detailed, all combined to shatter my health. I became gradually weaker; a black circle surrounded my eyes, and specks of the size and shape of a halfpenny, and of a dark colour, floated before me, and accompanied me while I exercised around the ring; my breathing became short, I started at the slightest sound or noise, and I became subject to palpitations of the heart. I was frequently on the doctor's list. He had become more civil to me in manner after the director's second visit, and gave me a shemrock to sleep in shortly before my removal to Woking.

I understood Messrs. Pollock and Knox indicated in their report that I forgot to mention the doctor ordered me a special stool. The special stool was an ordinary three-legged stool, the legs of which were taken out and longer ones inserted in their place, so as to enable me to sit to the table high enough to work at it. I sat low, owing to the curvature of my spine, and I could not see, or keep the cloth I was put to sew tidily on my knees. I told the doctor also my chest pressed on my stomach in that posture. The stool was given to me, I believe, for the same reason that a table was given to a professional tailor, viz. to enable him to work properly. This is confirmed by Dr. Bradley's remark to an officer when passing my cell one morning: "Did he have a table?" he remarked; the officer replied, "No, sir," and passed on, telling something I could not catch. I have no doubt this three-legged stool came opportunely to the relief of these gentlemen, as they must have been convinced when manufacturing their report they hadn't a leg to stand on.

The furniture and clothing of thieves, parrots, and other criminals, are never taken out of their cells at night, unless whilst under punishment for breach of the prison rules. Even in the case of prison breakers their clothes only are removed at night. I broke no prison rule—I was not a prison breaker—and yet I was subjected to portions of the punishments inflicted on such men. My door was kept closed day and night, and during the exercise hours, when the air was freely circulating through the ordinary prisoners' cells, the trap doors in the centre of our cell doors were pulled down. I was closely searched outside my cell before and after exercise; these prisoners were not so searched; they marched freely in and out of their cells, casting notwithstanding and wondering looks at me. One of them made a significant sign to me one day, plainly asking had I stabbed any of the officials, seeing me treated in that way.

8126. (Dr. Greenhow.) He did not ask?—No, sir; plainly asking me.

8127. By gestures?—Yes, sir.

8128. (Chairman.) If you had stabbed any of the officials?—Yes, sir, as if I had stabbed him.

These prisoners evidently lived on existable terms with the officials; they had not to face the wall when a fellow-prisoner approached them as I did; they were not threatened to be reported for looking at fellow-prisoner when he chanced to face them while turning round the exercise ring—I was; they did not exercise in a kind of iron cage appropriated to prisoners undergoing punishment, and to the inarticulate characters sent back for punishment from the public works. I was not sent back from public works for punishment, but I was forced to exercise in this caged cage or pentagon. I was forced to bathe in water in which the vile and dirty sord from the bodies of other criminals

B. Diffn.

22 July 1870.

See Report, Part I.

See Report, Part II.

S. Dallas.
22 July 1893.

was palpably dying. I met them as they left the baths, and had to enter after them. They were not brownstoned, insulted, threatened, and treated as I had been by governor, doctor, and servants. Therefore, as the criminals then confined at Pentonville were not subjected to the discipline or treatment above detailed, and as that discipline and treatment was contrary to the printed rules and regulations of convict prisons placed in my cells for my guidance and information, I respectfully submit that the treatment in my case was exceptional treatment, and that I was subjected to hardships beyond those incidental to ordinary prisoners then undergoing penal servitude at Pentonville, and who had not violated the prison rules.

Woking.—I arrived at Woking about the middle of April 1886; the 11th, I believe. The officials here let me alone for the first six weeks or so. I thought it good treatment compared to Pentonville. But when the order to keep silence at work, &c. was put in force, and afterwards, as political events in respect to us began to thicken, the officials began the system of surveillance and persecution hereafter detailed. I was medically examined for the first time, since I became a prisoner, by Dr. Wilson at Woking.

8129. (*Mr. Bradfield.*) Was Dr. Campbell's assistant?—He was at that time, sir. I was medically examined for the first time, since I became a prisoner, by Dr. Wilson, who applied the stethoscope to my chest—put it here and here. Having told me that my left lung was not exactly clear, and having asked me if I had a cough, to which I replied, a slight one, he said, "I suppose you can do a little work?" and left me to be taken away to a cell in "A. ward," left. My fellow-prisoner, C. M. O'Keefe, was separated from me and taken to "B. ward," right at the other end of the prison. I was then put to work in a knitting shed, in close association with criminals, who sat beside, and in fact surrounded me on all sides. But as I infer from the conditions upon which the Commissioners will permit me to address them, that they will not recognize moral grievances of this kind, I shall not dwell longer on this hardship, though I shall not, I trust in God, ever become so depressed and injured as to forget it.

Having heard that my friend and fellow-prisoner, John Lynch, was dying in hospital here, I applied to the governor, Captain Beasley, for liberty to see him, and was refused; the governor stating he did not hear Lynch was dying. Subsequently, the director, Mr. Fagan, came to me, and asked me if I was a friend of Mr. Lynch, and how long I knew him. I replied that I was, and that I knew him 14 or 15 years. He then directed that I should see Mr. Lynch in the presence of the deputy-governor, on the condition that I should speak no politics to him.

8130. (*Mr. De Vere.*) How soon after your application to Governor Bradley for liberty to see Lynch did Director Fagan permit you to see him in the presence of the deputy-governor?—I cannot tell you now; they allege that the application books of that time are lost, and I do not exactly remember.

8131. Can you remember whether much time elapsed?—I would not undertake to say, but I know there was considerable time. Captain Fagan, I think, used to come at that time, about the middle of the month sometimes. He then directed that I should see Mr. Lynch in the presence of the deputy-governor, on the condition that I should speak no politics to him. I asked the deputy-governor next day could I see Mr. Lynch that day, as I heard he was rapidly sinking; he said he should see Dr. Campbell first. I did not see the deputy-governor again that day, nor Mr. Lynch. The following day Dr. Campbell admitted me to hospital. That can be ascertained easily now, because the date of admission will tell it.

8132. (*Dr. Greenhead.*) May the 26th, admitted into hospital, to June the 17th; that was 23 days in hospital; is that the time?—Yes; that is the first time I was in the hospital here.

8133. For a cough?—Yes, sir, I had a cold. The following day, Doctor Campbell admitted me to hos-

pital, partly he said on my own account—(I was sick, and had been refused admittance to hospital by Dr. Wilson)—and partly on account of John Lynch, who was in a very weak state. When I saw Mr. Lynch, he told me that he attributed his illness to the doctor at Pentonville; that he asked him for fannels, but he refused them in a very rough manner. He had a severe cold when he entered Pentonville, and, I recollect, coughed much during the naked search. I waited from time to time, when I met him in the ward or at chapel, that his cough was becoming louder and more distressing. He appeared to get rapidly weaker from day to day, until at last, from "shock catarrhus," he fell, after exercise, on the floor of his cell, and was found lying there by an officer.

8134. (*Chairman.*) At Pentonville?—Yes. The doctor then recognised that he was unwell; he medically examined him, and told him he was in a consumption.

8135. How do you know that?—I am just going to tell you, my lord. Mr. Lynch was shortly afterwards sent to Woking. He died shortly after he told me the above facts. For six weeks at least before he fell on the floor of his cell it was evident that Mr. Lynch was dying; his face became gradually of a deep yellow colour; the tip of his nose and his lips became of a deep positive blue colour; in fact he looked like a man with a mark; his head fell on his chest till his shoulders became almost on a line with the top of his head. I asked him one day at exercise how he was; he said, "Very bad." I recollect that day. I ventured to ask him subsequently did he see the doctor—it was a punishable offence to ask a question; he was going around the outer ring, and I am inner one; I asked him did he see the doctor, but he made no reply. When I met him afterwards at Woking I asked him why he did not reply to me at Pentonville; he said he had become so deaf he could not hear me.

I told the visiting justice, Father Zinnert, on two occasions, that I feared Mr. Lynch was in bad health.

8136. (*Dr. Lyons.*) Was that at Pentonville?—Yes, and to make inquiries about him. I also asked the infirmary principal officer, when giving medicine to me, if he was giving medicine to my friend John Lynch, who, I feared, was very bad, but he merely shook his head, as much as to say, "I can't answer such questions." At the instant laid upon the body of Mr. Lynch I told the governor I thought it right to mention what Lynch had told me about the doctor at Pentonville. He said the Pentonville officials were not here, and that he only wanted to know from me how Lynch was treated by the medical officers here. I said, so far as I was capable of judging, he was treated very well by Dr. Campbell while I was in hospital.

8137. Treated very well?—Yes, as far as I could judge; that is, while I was in hospital. If you please, take a note of that. Of course I could only speak for what I saw. I said that Dr. Campbell came to see him two or three times a day, or words to that effect. I did not know then these were the usual routine visits of the doctor. Mr. Lynch having signified to me his wish to be buried with his father and mother in the Mother Cemetery at Cork—he has a grave or tombstone there—I applied to the governor for liberty to write to his friends for that purpose. I also asked him to have his grave worked, in order that there should be no difficulty in identifying his remains. He readily granted me liberty to write, desiring the letter paper to be taken to the hospital, and promised to have his remains marked. When about to leave the office, the governor that Lynch had told him he had no friends in Cork. This changed the governor's mind, and he then said Lynch's death would be commemorated in the usual way in the person with whom he had corresponded. Before leaving the office I reminded him of his promise to mark the grave, which he again promised to have done. I subsequently asked Mr. Fagan for liberty to write to a friend of Lynch's. It is in the application book on June the 26th; he roughly

See Report, page 254, as to Lynch's case.

See Report, page 255.

See Report, page 60.

said me mind my own business, that I was no relative of Lynch's; that he told him himself he had no relatives. I replied he had a relative in Cork, but I was ordered to be put out of the office by either the governor or Mr. Fagan. "Put him out," were the words used. I was never certain which of them gave the order, as I was turning away from them towards the door when the order was given. The governor denied having promised to have Lynch's governorship; he did promise to have it marked nevertheless, which I can prove on oath if necessary. I found Lynch in a very dispirited state of mind from sickness and other causes, and I have no doubt he told Nugent and Mr. Fagan that he had no friends, in order to get rid of their questionings. Some time after Lynch's death, I was unexpectedly discharged from hospital, on a Sunday, by Dr. Campbell, being still sick and weak.

8128. (*Chairman.*) Can you find the day?—Yes, the date of discharge.

8129. (*Dr. Greenall.*) It was the 17th, was it not?—Yes, I think so.

8140. The first time you were in hospital?—Yes, the first time I was in hospital. When I came here they sent me to work. I became worse, and had to get into hospital. Before I leave the case of Mr. Lynch, I think it right to add that I afterwards learned that Mr. Lynch, who came here in the last stage of consumption, was placed by Dr. Campbell upon the easiest hospital diet, consisting of boiled mutton, neatly dressed fat, called "fall diet." He could not eat it. There is a prisoner here (Mr. Murphy). He came with Mr. Lynch, and he came with Mr. Lynch, and was sent down. He was with Mr. Lynch for a long time.

8141. (*Dr. Lynch.*) Sent down when?—Sent down to the prison from the hospital; down to the prison away from Mr. Lynch. Why his food was subsequently changed, why I was sent up to hospital to witness better treatment, and why I was unexpectedly discharged thereafter after his death, I leave to the Commissioners themselves to answer. In the unusually severe winter of 1857 I had a severe cold and cough, and was in fact perishing through want of sufficient clothing to shelter me from the inclemency of the weather. I applied day after day at the surgery for admission to hospital, but was not admitted. Pills were sent to my cell at night, which I took in the presence of the officer, Mr. Sewarwell. On one very cold day, while standing in a line with the criminals, one of them named Taylor, a sensible and active man, afterwards flagged and sent to Australia, remarked that I looked starved and perishing, and asked me why I did not go into hospital. I told him I could not get there, as the doctor would not take me in. He said, "I'll make them 'take me to-morrow; there's nothing the matter' with me; my head is better." Next morning I saw him in the auxiliary hospital, opened owing to the inclemency of the weather, in "D" ward (he afterwards said he told the doctor he had a pain in the knee. Here was a remarkably strong and healthy man—the most remarkable I ever met in prison—taken into hospital at once while I with a scrofulous constitution, according to Dr. Pollock (see report of Messrs. Pollock and Knox), with my left leg not clear, according to Dr. Wilson, with a weak chest and a cough, always suffering from rheumatism, more or less, and perished from the inclemency of the weather, I could not get into hospital at all. This, I respectfully submit, was exceptional treatment.

8142. What was the man's name?—Taylor was his name. They sent to London for trousers for him. He could open bolts and everything, and in 20 minutes he would get out of any fix. This man was subsequently flagged here. He was 17 days locked in a cell, having torn up all the cell furniture he got out of the cell and into a water-butt, and used to smother himself by remaining there all day shuffling. He used to get out of all the manacles and handcuffs and body belts they could make for him. After being flagged, he walked or hopped over a high

wooden-splbed partition in the yard dividing the punishment exercise yard, came to the window of the looking shed where I was working, and showed his back all wet from the stripes—just marked with stripes—and said he did not care a damn for them. He did all this, he said, because he was deprived of all privileges. The only privilege he said they could not deprive him of was the privilege of being in the punishment cells. I heard him say this.

During the winter of 1856-57 a limited number of knickerbockers were served out to prisoners whose trousers were worn. I was taken from the middle of the working party with which I was assigned one morning to the place where prisoners were sitting on these knickerbockers. I protested against the change in that cold weather, especially as my trousers were a good stout one. This trousers were the only good one I ever had; I got it when in the tailor's shop where I was sent to work by Mr. Fagan's order. The officer said he could not help it; it was the order, and he should carry them out. However, I escaped that time, as none of the knickerbockers left would fit me. Some time afterwards I was taken out of the ranks again, and though I protested against the change as before, the officer said it was no use; there was an order to place us all (the Irish political prisoners) in knickerbockers, and accordingly we were all served out with them, and our long trousers taken away. We were served out next morning in the ward. Many of the ordinary prisoners were still wearing long trousers 12 months after.

As I suffered from rheumatism, and felt very cold in the legs in the knickerbockers, I applied to Dr. Campbell for flannels or covering of some kind. He said he had nothing to do with the change from trousers to knickerbockers; that the directors did it, and that he hadn't it in his power to order me any covering. I represented to him that there was a partial loss of sensation in my left leg, the effects, as I thought, of rheumatism; that I had a severe attack at Finsbury, and feared another. He said, "There are many older men here than you are, and if you got flannels all would be asking for them." I replied, "No man in prison suffers more from rheumatism than I do." He said, "I can't help you; I haven't the power to give you coverings." I then asked him had he any objection to my seeing the director about them. He replied, "No," but looked displeased.

I put down my name in the usual manner to see the director, and was shortly afterwards sent for by the governor to know what I wanted to see him for. I told him I intended to ask him for flannels or coverings for my legs; that I had rheumatism in them, and suffered greatly from the cold weather. He agreed with me that the weather was very cold. He then took up the doctor's application book, and read out of it Dr. Campbell's own remarks on my application; it was as follows: "Not required." The governor continued, "I can't let you see the director if I did he would only refer the matter to Dr. Campbell, and he has already decided against you. I replied, "Dr. Campbell told me he hadn't power to give me 'those things.'" The governor persisted in his refusal to let me see the director, and I did not see him. To my own knowledge then and now prisoners were allowed bandages and other coverings for the legs and arms, and some of my fellow-prisoners, and myself within the last 10 days or so, have been allowed flannel bandages for the legs, when suffering from rheumatism. I believe the Commissioners will agree with me that the governor's refusal to let me see the director, if not a direct violation of the prison rules, was harsh and exceptional treatment; and that Dr. Campbell had very little regard for some of the conditions necessary to health. To my mind there was evident collusion between doctor and governor acting to my foolishly telling Dr. Campbell I intended to apply to him for the flannels. The Commissioners will not have failed to observe that the governor had

E. Dicks.
20 July 1870.

See Report,
para. 107,
1st, 2nd.

B. Wilson.

23 July 1870.

Dr. Campbell's book before him when I explained what I wanted the doctor for.

Finding it useless to apply to the doctors for anything, I resolved to keep away from them as long as I could. I did not apply to them for a long time afterwards. I think I was about 16 months without going to hospital, though I was often very sick. In the winter of 1867 Messrs. Moleahy, Barry, Kichham, and myself were working at the female prison. Barry was the first to give in with the cold; after he left we were placed upon a heap of frozen brick from which the snow had partly melted before freezing to dig them out and clean them of any snow and ice attached to them. Mr. Kichham could not touch the bricks, his hands were so cold, and had to sit all day on a heap of frozen brick with his hands inside his jacket. He had to go into hospital with a ummer under his arm in a day or two after. He was a big-headed finished-looking man, not having half enough to eat when in prison, as he could only eat three times a week, the thin-of-loaf soup, cheese, and sweet pudding not agreeing with him, and he had no supper for two years until he became entitled to tea, as he could not touch the gruel. There was a heavy fall of snow after Mr. Kichham went to hospital, and Mr. Moleahy was ordered to get a barrow and wheel away through the snow a heap of rubbish that lay under the scaffolds of the female prison. I got a shovel, and filled the barrow each time it was emptied. The wind was very high and cold, and penetrated as both like a knife through our miserable porous clothing. At last Mr. Moleahy said we could stand it no longer, and leaving his barrow went and asked the clerk of works for a bath to use, in the carpenter's shop, for the winter. We got the bath, and I remained in it from December '67 until I became sick in February 1868, to which I am about to refer. I caught a very severe cold in February 1868; after some days, finding I could not shake it off, I applied, much against my will, to the doctor, upon the advice of my friend Mr. D. D. Moleahy, amongst others. It was in the evening after work, and I saw Dr. Campbell in the surgery; he said I had a great wheezing, but that he would give me something that would do me good. After taking a draught, he said, "If you don't find yourself better in the morning" "see Dr. Wilson. Put your name down in the usual" "way." I went away under the belief that for the future I would be treated as kindly at least as the convicts, and told my friends so. I was not better in the morning, and I put down my name to see Dr. Wilson, who saw the prisoners every day in the surgery during dinner hour. Being obliged to go out to work that morning, though I had taken nothing but my cocoa for breakfast, I necessarily became worse. At length dinner hour came and I saw Dr. Wilson. I told him what Dr. Campbell said, and how I felt. He said as I spoke, "Your chest is a little wheezy." He then asked me if my bowels were open. I replied not very much so. "That will do," he said. "Next morn." I was sent to the compounder, who gave me a dose of opening mixture; I was then sent to my cell to dinner, but could not eat anything. I had to go to work that afternoon though getting worse. I put down my name again for the doctor at the usual time, before breakfast, next morning, and saw Dr. Wilson again at dinner time. I told him I was worse, and that the same mixture had no effect. He made an entry in his book, and I was sent to the compounder as usual, who gave me another dose of the opening mixture. I was getting worse all this time, and eating scarcely anything. The second dose had no more effect than the first. I went to him on the third day, told him I was worse, and that the opening mixture, the only medicine he ordered me, had no effect. I may mention that they have only two days attendance in their notes supplied to me lately; but I am positive that I got three doses of the opening mixture. I asked him to take me into hospital. He made no reply; made an entry in his book as usual, and sent me to the compounder, who forced me to take a third dose of the opening mixture, resolutely

protesting against it. It is a respectable offence as to take whatever the doctor orders. I was forced to go to work all this time, and could eat nothing but the cocoa in the morning and the tea at night, and a few ounces of bread.

8143. (*Mr. De Vere.*) What was your work at the time?—In the emperor's shop; rather light work at the time. I had to attend to some glue-pots and turn the grinding stone, but as it was indoor work, I thought it not bad. I was forced to go to work all this time, and could eat nothing but the cocoa in the morning and the tea at night, and a few ounces of bread. My chest was wheezy; my skin, especially that of my face, had lost all sensation, and felt dry. On the third day I began to cough severely; the cough became worse during the night, and in the morning, upon looking into my cell pot, I found I had been spitting blood of a bright colour.

8144. (*Dr. Lyons.*) Blood of a bright colour?—A bright colour.

8145. Was there much of it?—Yes. As I had never spat blood before I was somewhat alarmed. When the officer opened my cell in the morning I told him I was unable to get up (it is a respectable offence, no matter how sick you are, not to get up), and I took an opportunity of sending a message by a prisoner to Mr. Moleahy to come and see me; he did stand in to see me, looked at the blood, told me not to be alarmed, but on no account to get up and go to work.

8146. On no account to get up?—Yes; he saw that I was too bad.

8147. (*Chairman.*) That was Moleahy?—Yes. A principal officer came to my cell about 9 o'clock.

8148. (*Mr. De Vere.*) What is his name?—Ford; he is not here now. He came to my cell about 9 o'clock, and asked me to get up and see Dr. Campbell in his office. I did so, and told Dr. Campbell how I felt since I saw him last, and that I had been spitting blood. Dr. C. said, "Did Dr. Wilson give you anything?" I said, "Three doses of the opening mixture." He looked at me, and said to the officer, "Take him to the surgery (*i.e.*, to Dr. Wilson) for medicine;" I looked indignant. The officer, evidently feeling I was badly treated, said, "He is only after getting out of bed now." Dr. Campbell then said, "I'll admit you to hospital in Kichham's place." Food was not the officer that was there then; it was some other officer. I do not know the officers. They changed all the officers here within the last year, so that scarcely any of the old hands remain. Food only brought me over to the surgery. Dr. Campbell then said, "I'll admit you to hospital in Kichham's place. Take him to hospital, and let" "Kichham be sent out at once."

8149. Who said that?—Dr. Campbell said that. He did the same thing on one or two more occasions, and Mr. Kichham was hauled out of bed, and sent out on those occasions. Up to that time whenever I was in hospital I was always placed on the coarsest hospital diet. I was never placed on chop and two ounces of wine, but I was not allowed to enjoy these luxuries very long. I was located in a little cell outside the large room "E. 1." I was accustomed to rush there or in the passage by myself all day. When my fellow-prisoners, Col. Thos. F. Burke and Messrs. Messy and Stock, arrived here, they were located in the little room where I now write. He was called General in Ireland, I believe, on account of the Fenian rising, but I address him as Colonel, on account of his rank in the American army. I would not be allowed to associate with them there during the day. I asked Mr. Pagan for liberty to sit in the room with my friends during the day, a privilege since that time and now enjoyed by all my friends who have occupied that cell. He asked me in a tone and with a look which is a humiliation to remember, "Who do you call your friends? I have no idea of allowing you to run about the hospital." Colonel Henderson, then Chairman of the Board of Directors, came in to the office at this time and sat down near the window. I said, "I can go to the room along the corridor

"without passing through the hospital room at all; besides I have done nothing to merit the punishment of solitary confinement in a cell all day, while my friends and the other prisoners are in association." Mr. Fagan said, "There is no room for another bed in that room; and do you know that all you men ought to be in separate cells?" According to Mr. Fagan, then, we ought to be exceptionally treated by being kept in separate cells when sick, while the criminals are allowed to enjoy each other's society, and admire the beauties of the landscape from the large hospital rooms. The director's mind is always prejudiced against you beforehand by officials, especially if they don't wish your application granted. This is the reason why they require to know what you want to see the director for.

1868, Feb. 28.—"Wants to associate with other treason-felony prisoners who are in a separate ward." This is a misrepresentation to deceive the director. We were all in the same ward.

Director's remark: "I cannot allow this; he may associate and walk with the others; he cannot be going across the corridor to associate with the other political prisoners." The director had been to my cell, hence he uses corridor.

Copy doctor's note on discharge: "March 2. Quite well. Discharged."

I told my friends when at exercise that day that from my experience of how they did things in this prison, that I would be sent out of hospital in a few days. That was on Saturday, and on Monday or Tuesday morning after telling Dr. Campbell that I was getting something better, he turned round to the officer and said in a low tone, "He may go down to the prison to-day," and so I was discharged unwell. When leaving the hospital that day I called the present hospital principal, Mr. Fry's, attention to my chest, which was still wheezy. He replied, "I have nothing to say to it." Although I had spit blood, and told Dr. Campbell so, he never examined my chest systematically or otherwise; he merely felt my pulse.

Mr. Meany told me that when in the governor's office that Monday morning the governor spoke to him about our shaking hands in chapel, and said it would not be permitted in future. The governor then asked Principal Officer Nugent: "Was Dillon told of this?" Nugent replied characteristically, "Dillon was notified of it by the steward this morning." This was incomprehensible to Meany, who was here but a few days then, but as plain as a peacock to me. When you were admitted to hospital at that time the jacket, slop, &c., which you wore in the prison was taken from you and given to the steward to keep till you were discharged, and Nugent's reply to the governor, dressed of his enigmatical character, is simply this, Dillon is discharged from hospital already, and his jacket and slop have been sent to him from the steward's stores. An officer brought in the jacket, &c., shortly after the doctor had discharged me. This was never done, nor is it now until after dinner, though the clothes are kept in a closet adjoining the hospital room, and which closet was then empty. I give the above little episode of prison life for two reasons; first, because it throws a little light upon the small trickery and sustaining treatment of which our daily life was full, and because it demonstratively proves that I was not discharged from hospital because I was well.

A few days after my discharge from hospital all the political prisoners then here, and who were not in hospital, were brought together before the governor on report for shaking hands, &c. in chapel. The governor said he would not punish us at that time, but would punish us if reported for a like offence in future. Now, it was only then my friends were notified, to use Nugent's word, of their offence. I had been punished for it already, by being discharged from hospital. Before we were brought before Captain Brassey, as before mentioned, an officer named Winsley told me he was asked by Principal Officer Wood to draw up a statement of our behaviour in chapel on the day before

mentioned. He did so, but he said he drew up no report against us. At that time all our movements were closely watched and reported to the board of directors, I was told by an officer. I was seated at the end of a form, Messrs. Meany and Stack were next to me; as they wanted to go to commutation, and as I was seated next the passage, I left the end of the form and allowed them to seat themselves there. This was the atrocious crime of which I had been guilty. I did not shake hands with Colston Burke, Messrs. Meany and Stack, because I had met them before in hospital. This "offence" occurred while waiting for anna. Officer Winsley was right; there is no report entered against me for this or any other "offence," although Captain Brassey said he had a report.

After discharge from hospital I was sent out to work in the female prison, then building, to cut bricks in a narrow little wooden shed. The dust from the bricks was so fine and penetrating that we had to keep them soaking before use in a bucket of water. The weather was very cold.

I was very sick and debilitated in the spring and summer of 1868, but though I applied to the doctor he invariably refused to take me into hospital. I remember he (Dr. W.) said on one occasion when asked by me to take me to hospital, "I can't do it," leaving me under the impression he had no discretionary power to admit me or my friends to hospital as he had in the case of ordinary prisoners. On one occasion I was so bad with the bowel complaint that I was forced to sit down all day on a heap of timber or scaffold poles by the prison wall and leave my companions Roastree, Stack, and O'Keefe to do my share of the work. We were then pulling up baskets of brick to the scaffolds by a rope running through a pulley or iron wheel. I attended at the surgery during the greater part of the month of May 1868, when I got medicine, but was not admitted into the hospital. Later in the summer I had a still severer attack of dysentery. I recollect being obliged to run to the closet about twelve times one day. The officer on duty, Mr. William Rogers, having noticed the frequency of my visits said, "Are you there again?" "There must be something very bad in your inside;" "Why don't you go to hospital?" "Because the doctor won't take me in," I replied. The weather was excessively hot. We were working in the midst of large heaps of wood, slaking lime, and smoking hot bricks, which had to be cooled by pouring cold water on them. We had to wrap our pocket handkerchiefs around our heads through fear of sunstroke. We were compelled to do the work of another whole party beside our own. This double work kept us on a quick march, tagging and pulling the rope which raised the bricks, on an average, for three hours at a time, without a spell, while the more fortunate criminals, who had precisely similar work, pulling up the mortar, and the men at the pug mill and other light work, were sitting down sheltered from the fierce rays of the sun for at least 45 minutes out of every hour. Having to work the wheels at the front and rear of the building, when we got a "spell" or cessation from labour, it only lasted for a few minutes, as the bricklayers at the side of the building first served had nearly exhausted their stock of bricks by the time we had the men at the opposite side "stacked." The officer on the scaffold, insisted by the criminals who unloaded the brick baskets, and under the influence of the beetle freely circulating there then, was continually worrying and barking at us, urging us to a quicker pace; that he would report us for idleness, and that the bricklayers were all idle for want of brick. This was a deliberate lie. We could see as well as he could the unexhausted heaps of brick beside each bricklayer. One of our party, Mr. Roastree, I think, pointed to the brick heaps, and said we were going fast enough. The officer became enraged at this, called out loudly for the principal officer, Mr. Simms, who came to him. He then said loudly from the scaffold, "These men are setting me at defiance, they say they won't go faster." Mr. Simms

E. Dicks.

30 July 1879.

B. Dillon.
22 July 1876.

ascended to the scaffold, watched us working for a short time, and went away. Though the bricklayers were racing against each other, pitching bricks together, as I was told by several prisoners, twice as quickly as they would set them outside the prison for wages, they were never kept idle for a single moment for want of brick, or indeed on any other account, as far as I could see. Mathews was the name of the officer above mentioned; he was subsequently dismissed for sleeping in the mess room, as I have been informed, while in charge of prisoners. I may remark before passing from this subject that the portion of the building where this racing and pitching of bricks together took place, including the large air or chimney shaft, subsequently fell down. Of course scientific reasons fully account for the fall.

Mr. Stack, a political prisoner, since liberated, was the first to succumb to this slave driving. He reported himself sick and unable to work one day, and had to be taken into the surgery, where he got medicine, but was sent out to work again, the next day. He had to lie in a narrow one morning, completely exhausted. His eyes looked as if burning from their sockets, his head and neck were swollen and purple, he trembled violently, and as he was a sufferer from pain, we feared he was about to get a violent fit of it. Mr. Rosseter reported his state to an officer, who took him to the surgery. On the way, as well as I remember, they met Dr. Campbell, who, seeing the

state he was in, ordered him to hospital and to bed immediately.

After working through the day upon which Mr. Stack fell I found myself so exhausted from dysentery, heat, and overwork that I could eat nothing in the evening. I had to go to bed immediately after I entered my cell (another remarkable offence). I vomited. I sent in a sick report, and was visited by Dr. Campbell. I told him how I was. He said, "You had better take a draught." I said, "I can't keep anything on my stomach, I have been vomiting." He said, "You will sleep after that, and find yourself better in the morning." I said, "I am completely exhausted from overwork and dysentery." I also told him the purging had altered something that day, and that I was too weak to go to work in the morning. He then gave orders to admit me to hospital in the morning if I was not better. I was not better. I would not get up for the officer, and I was admitted to hospital. I have the Commissioners to draw their own conclusions from this slave-driving and doctoring.

8150. (Chairman.) When does your dinner hour occur, Dillon?—I eat after dinner, my lord.

8151. If you are tired you can stop and rest?—Oh, I can go on.

8152. Have you much more to read?—I am on page 18, and I have 30 pages written.

8153. Perhaps this would be a convenient time for you to rest a little?—Very well, my lord.

The prisoner withdrew.

THE REVEREND JOHN O'LEARY RECALLED.

8154. (Chairman.) Mr. O'Leary, do you produce a return showing the number of Roman Catholic prisoners who have by reason of their undergoing punishment become deprived of the liberty of attending divine service on Sundays, and the number of Sundays on which each of them has been deprived of that liberty?—I do, my lord.

8155. Do you wish to make any statement, or in any way to submit any communication to the Commission?—I do, my lord.

8156. Will you be good enough to go on?—When I was last examined it was elicited from me that I had not visited the prisoner, Murphy, for 12 months previously. Though I should think myself justified and such been the fact, or rather I should have thought that the most prudent course of dealing with the man, still, on reflecting on the matter, I must change my statement. The fact is this, that for the last 12 months his location has been with two or three or more Fenian prisoners in a large room; that my visits to this room were frequent; that each visit was a visit to all; and that the conversation which I addressed to the others was equally intended for him; that he used to keep aloof in a corner, and would not take part with the others in the conversation; but I virtually visited him as frequently as the other prisoners.

8157. He was within hearing of the exhortations?

The witness withdrew.

BRYAN DILLON, prisoner, recalled.

8158. (Chairman.) The Commission have been considering, Dillon, the circumstances in which we are placed now, and we have come to the conclusion that a far more satisfactory course than to hear you read the whole of your statement, will be, that we should receive it from you and have it printed for our consideration. You will recollect that the action given by the Commissioners was that we should not receive any written statement after the 15th of this month. You stated that you wished instead of making an oral statement to us, to put your oral statement on paper and read it out. We are determined to go through the whole of it and to make it the subject of careful inquiry; but we think that time will be saved if you hand it in to us, so that we may have it printed for our own use, that each member of the Commission may consider it; and you shall be sup-

plied with a printed copy, so that when you come before us hereafter for final examination, we may know the points upon which to examine you.—It is not exactly ready now. I could not give it to you now, because as I told you before, after I received a visit from my friend, Mrs. Luby, and a letter from my friend, Mr. Kitchin, I did not go on writing at all, and there are portions that I inserted which I intend to leave out.

8159. It was 3.—Yes, and for his sake I should like to have it brought before the public no more.

8160. We will take a note of the suggestion, and when we revise the whole of the evidence will bear in mind that you have expressed the wish for his sake?—Thank you, my lord.

8161. You see, Mr. O'Leary, that there is a difficulty in eliminating evidence when it has once been given. At the same time we will consider it carefully when we come to it?—The reason I ask you to eliminate the evidence in question is, that I thought that it is in no way affected the object of the inquiry; that is, that it neither went to prove the groundlessness of any charge brought against the authorities, nor to prove that there was any ground for a charge; I am sure he will never bring it as a charge against me that I did not visit him.

8162. Do you wish to add anything else?—Nothing else, my lord.

The witness withdrew.

B. Dillon.

8163. (Chairman.) The Commission have been considering, Dillon, the circumstances in which we are placed now, and we have come to the conclusion that a far more satisfactory course than to hear you read the whole of your statement, will be, that we should receive it from you and have it printed for our consideration. You will recollect that the action given by the Commissioners was that we should not receive any written statement after the 15th of this month. You stated that you wished instead of making an oral statement to us, to put your oral statement on paper and read it out. We are determined to go through the whole of it and to make it the subject of careful inquiry; but we think that time will be saved if you hand it in to us, so that we may have it printed for our own use, that each member of the Commission may consider it; and you shall be sup-

plied with a printed copy, so that when you come before us hereafter for final examination, we may know the points upon which to examine you.—It is not exactly ready now. I could not give it to you now, because as I told you before, after I received a visit from my friend, Mrs. Luby, and a letter from my friend, Mr. Kitchin, I did not go on writing at all, and there are portions that I inserted which I intend to leave out.

8163. To leave out in reading?—Yes. They are not many, and it is altogether out of it.

8164. Could you not this evening strike out what you do not wish to put before us, so as to hand it in and have it printed?—I can get my friends to copy portions, and it can be transmitted in a few days, perhaps.

8166. I should think we should have it to-day?—Another thing is you could not read it. You could never make out this writing.

8167. I think we must decide that if you give it to us in the course of the next two hours, in the shape in which you wish to submit the statement to us, we shall have it printed for our use, and you shall have a copy. We will give you that option. You can either submit it to us in the shape in which you wish it printed, or you will, if you please, instead of reading it to us, make an oral statement now?—Oh, I could not go through this in an oral statement.

8167. (*Mr. De Vere*.) I should have thought it would be more satisfactory to you to have it in a printed form. We all know how much easier it is to read and understand a thing when printed. You can correct it when printed?—Yes.

8168. Take it with you now and strike out anything in it that you do not want to be printed, and give it to us at 5 o'clock to-day?—This last part was about my letters here and Captain Brerely.

8169. (*Dr. Ligon*.) Make up your mind as to what portions you wish to omit?—My lord, I mention names of prisoners who have suffered hardship in prison life. I mention the names of parties in this prison. Will they be examined as to their treatment here?

8170. (*Chairman*.) We shall deal with every part of it that we think material and we shall tell you what course we adopt with regard to it.—You promised to amend the conditions when I made no objection to the second condition in the notice with which we were served. Do you still adhere to that notice as the basis of the Commission?

8171. Yes?—Well, I understood at the time that it would have been amended, and we were all under that impression; we are still.

8172. In what way?—That it would have been amended.

8173. Is what particular point?—"Exceptional treatment or subjection to any hardships beyond those incidental to the condition of a prisoner" and adopting a sentence of penal servitude." You left us under the impression that you were to give us amended conditions. Mr. Mahony even has it taken down in writing.

8174. (*Mr. Brodribb*.) What was it that you expected would be amended?—We expected such a condition could not have been applied there. As we pointed out there, the hardships incidental to prison life are so great, that—

8174. It was explained to you that under the first question it is open to us to consider whether the hardships that are incidental to prison life may not be productive of permanent injury to the health of a prisoner. Under the first question it would be open to us to consider whether some hardships that are really incidental to prison life might not be permanently injurious to the health of prisoners.

8175. (*Chairman*.) Yes.

8177. (*Dr. Ligon*.) You have gone in your statement, as far as we have heard it read, into some incidents of that kind. What you had best do is to take your statement, prepare it, and put it in at 5 o'clock. You will get a copy of it when printed?—In any case I intend to leave my statement, as far as it may relate to me personally.

The prisoner withdrew, and at 5 o'clock, p.m., headed to the Chairman the remainder of his statement, which was as follows:—

8178. During a great portion of the spring and summer of 1863 I was compelled to work pulling up bricks within one of the wings of the female prison, then building. The walls and cells were very damp, the scaffolding at both sides narrowed the working space very much, bricks, and portions of brick, mortar, gravel, &c., were falling around us continually; the air was heavy, confined, and damp, and thick with brickdust from the scaffold. Finding it a dangerous and unhealthy place I asked the principal officer to change the brick wheel to the exterior of the wing, and let the bricks be sent

up from the outside, *like the mortar*. I said if mortar could be sent up from the outside the bricks can be also sent that way, and that we stood in danger for our lives where we now worked; that bricks had fallen on me, would have seriously injured me. Principal Warder Simons disinterestedly replied, "The building must go up." During spells, which only occurred when we had loaded the scaffold with brick, we used sometimes work relief in breathing for a while the pure air outside the wing, but the governor seeing us enjoying ourselves in this way one day, we were shortly after ordered in by an officer, who told us the governor had ordered that we should remain inside the building always; the brick wheelmen, who supplied us with brick, were allowed to enjoy their spell inside or outside as they pleased; we could only take our spell inside a damp, stifled, windowless cell, and subsequently we were not allowed even to enter these cells, necessitated as we were to use them to escape from falling bricks, &c. We were compelled to remain in the wing outside the cells, where we were liable at any moment to be hurt by the falling bricks from the scaffold. The ordinary prisoners were subject to no such tedious servitude. Many of the invalid portion of them were dodging from the work and from the officers from place to place. Performances in dancing, singing, sporting, and fighting were being carried on every day to my own knowledge. These things could not have occurred had they watched those men as closely as they watched us. A group of the officers would collect on the top of a scaffold, closely watching us, and conspiring to persecute us. I saw such a group one day, consisting of Simons, Principal, Mudge, Principal, Redford, Clerk of Works, and others, in consultation upon a scaffold. 'Twas plainly to be seen, from the direction of their eyes from time to time, that we were the subject-matter of the conspiracy. They separated at length, and Simons descending in hot haste from the scaffold marched quickly and directly over to us, and said out of breath, directing his speech to Mr. Rountree, "You must work the two ropes for the future." He then turned on his heel and went away as quickly as he came. We became objects of pity to the chains, who kept incessantly inquiring of us, "Why are they down upon you fellows?" The prison officials had plenty spare hands to work a dozen ropes, numbers of invalids, stronger than any of us, were only nominally employed at "filling jobs," as they called them themselves, and yet these men "out of infirmity, malice, hatred, or obstinacy," would persecute us!

One day portions of bricks cut off by the trussels of the bricklayers were falling pretty thick around us, whole bricks, mortar, &c., were also falling; the dust was blinding and suffocating. I was standing by a rope waiting to pull, when I was suddenly struck by a heavy weight on the shoulder, under which I winced for the moment and ran out of the building, fearing other bricks were about to follow. The shock was severe, but I almost immediately returned to the building and said I would work there no more. An officer whom I saw on the outside scaffold when I ran outside the building, came off the scaffold, and picking up a portion of a brick about the size of an egg, told Principal Simons* that was the piece of a brick that fell upon me, and that nothing larger was falling down. My friends, however, showed Simons the half brick that struck me, fortunately on its flat side. Simons then gave orders to the men to be more careful, and had the scaffold boards placed closer. I, however, told Simons that I plainly told Mr. Rountree when asking his permission to work in the open air, as my health was failing in the building shed, that I could do very little work, but that I would do as much as I could if attached to some "party" that worked in the field. That the place I was then

* Simons sent me to the doctor in the evening, I believe, but I told Dr. Wilson I did not feel best then.

B. Dimes.
22 July 1870.

working is was dangerous and unhealthy. I asked him to tell the governor what I said, and that I would not work there any more. He went away, and coming back after a short time said, "The governor says you may work outside, there," pointing to a heap of brick which prisoners were breaking into concrete. "You can break those bricks." Mr. Roanoke told Mr. Simons his disease would not allow him to sit, and asked, could we not have the rope removed to the outside. Simons said, "No, you must either work in side on the rope, or over on the brick heap." Finding that Mr. Roanoke could not work on the brick heap, and not wishing to sit in company with criminals breaking the bricks, I consented to remain pulling the rope that night, and we all agreed to see the governor in the morning. Shortly after we returned to the rope, several large bricks fell quite close to us. An officer named Trowle, since dismissed, seeing them fall, picked them up, and placing them on the sill of a window in the passage dividing the wards of the wing, and he would show them to the governor. He showed them afterwards to Principals Simons and Mudge. The principals then mounted the scaffold and watched us at work; underneath bricks began falling as usual, and presently two heavy stone or iron buckets fell with a crash, burying their edges in the ground. At length the principals were convinced that the place was really dangerous; they ordered us outside the building, and had the wheel and rope removed to the outside. Note, the bricks could then be sent up like the mortar from the outside. Some time afterwards I saw one of these iron or stone buckets fall from the scaffold when the brick wheel was erected upon the head of a prisoner named Nugent. He fell to the ground as if struck by a cannon ball, and was carried away to the hospital in the arms of prisoners. The blood was flowing profusely from the wound, which I heard was a very severe one. I saw Nugent several months after the accident; he then looked weakly and cut up from the effects of the accident. I was standing a few paces from Nugent when the bucket fell upon him.

Whenever the governor visited the works—he did so once a day generally—a severe order of annoyance of some kind was sure to follow; his keen eyes were always detecting something wrong with us; we "had our hands behind our backs," or up "our sleeves," from the cold; we "talked," "superfluous chime!" we "laughed!" "Kickham was always skulking, and Mulahy was talking to him on his fingers." Officers more humane than the rest told us to "blide about like the other prisoners when the governor was passing. When the governor came we would not simulate; if we had work to do we would do it; if our spell time occurred while the governor was passing, we could not help it; besides, the prisoners pulling up mortar and mixing it in the pug mill, if we sat at work when he passed, only stood up to attention, and nothing was said to them. At length, the governor, not content with leaving his sting behind him in the shape of an order, walked directly over to us, ordered us to separate from each other during spell time, and said aloud in the hearing of a great number of prisoners who were working near us, "Mulahy, if you 'talk to that man again' (Kickham being dead we communicated with him by the deaf and dumb alphabet) 'on your fingers, you lose your berth,' meaning his position as a filler of bricks. The brick wheelers and bucket carriers on the scaffold, who took spell with us were never noticed or spoken to; these men at last, pitying us, managed to want bricks whenever the governor's approach was telegraphed. The scaffolds at the female prison commanded a full view of the governor's house and the men's prison, and whenever

we left either of these places word was sent around the prison that the governor was coming; the officers and prisoners were thus prepared for the visit. When he came he found everything "all right," to use the words of each officer to him as he passed along; yet somehow the Prisoners, though most anxious to appear all right too, were generally reprimanded or threatened after he had passed. On one occasion I was taken into the men's prison and scolded by Principal Mudge, on the pretence that he thought he saw me putting something into my pocket, although I emptied my pocket for him of the only articles it contained, viz., handkerchief and sheet-paper.

Mudge, who I believe was only obeying orders, on another occasion charged us with doing no work. Mr. Barry, since discharged, and I were the only persons cutting bricks then. I told Mr. Barry some time before that they would make such changes as an excuse to annoy us, and get us removed into the knitting shed again. We therefore kept an account of the bricks cut by us and those cut by old hands at the work in the adjoining shed. We found we were cutting more brick than they were. We told Mudge this, and showed him that we kept an account of the bricks we had cut on a bit of slate. No such charge was made against the criminals. This work was so dirty and unhealthy that I have known more than one of the criminals working in the brick shed next to ours go into hospital in order to get out of the work. It was evident political events outside were multiplying and intensifying the various petty annoyances to which we were continually subjected. Manchester and Clonmel spoke from the angry looks and scowling brows of our gaolers. An officer would stand opposite where we were cutting bricks, pull out his book, and make, or pretend to make, notes. The governor would double closely around the brick shed, stare at us, ask Mulahy was he Kickham or Barry, and dart away again; the principal officer accompanying him would then come back to us to know why a certain hole was in the brick wall of the temporary shed built loosely by ourselves, and which was manifestly there for the purposes of ventilation. We were separated from each other in the ward "B," in which we were then located; we had occupied contiguous cells. The prisoners were amused and wondering spectators of the movements of the officials; they yelled us. It was no joking matter to us; woe's things have done men to death before now.

I have thrown the above facts hastily and unpreparedly together, but I trust the Commissioners will see that they are essential to a true, a just, and an accurate perception of the exceptional nature of the discipline to which I, in common with my friends, have been subjected; and as I have pointed out almost in every line, that the ordinary prisoners were not so treated, even when similarly situated, I trust the Commissioners will not hesitate to follow me to the inevitable conclusion, that the treatment so described was not incidental to the condition of a thief, a burglar, a garotter, then undergoing a sentence of penal servitude at Woking Convict Prison. Therefore I submit I was exceptionally treated, and that regard was not had in my case to the conditions necessary for health.

After discharge from hospital last alluded to I got shingles, or some disease of that kind in the head; unlike rheumatism, this is what I believe the doctors call an objective disease, so, after attending Dr. Wilson at the surgery for a few days, seeing the disease spreading, he admitted me to hospital, 23rd October 1868.

When well, I went to work out to the building, pulling up bricks in a passage through which there was a great draught. The weather was showery and damp, and the building was a mere shell of new bricks and mortar. I got severe neuralgic pains in face and head, and rheumatism was running all over my body—up to that time I never had it in my legs—I worked on, however, until January 1869. For many months I had been eating but a very small portion of my food. As I found from my own, and from the experience of my fellow prisoners, it would profit me

* Extracts from director's book: "1867, July 30.—Went to be allowed to go out as far as the works, and allowed to work on the 'wall.' Another communication to the director. I only asked to be allowed to work with the governor's party on the flues. The prison officials here did not wish that I should work there. Mr. Fagan's reply is, 'This question must be submitted to the board of directors.'"

nothing to tell the officer "I return this food," I gave it generally to prisoners who did no little services when they could, such as filling my cell bucket with water, and scrubbing my portion of the ward along the length of my cell.*

Several of my friends had been admitted to hospital. It was then rumored there was to be a general amnesty at the opening of parliament. I was told I was looking very bad. I applied to Dr. Wilson for medical treatment; he gave no medicine, but did not admit me to hospital. I left off attending him, finding the medicine doing me no good, and my dinner, portions of which I eat on most days, was always cold from the length of time I was kept waiting at the surgery. The dinner tin was generally placed on the stone flag at the entrance of my cell at "B" ward, opposite the ventilator, and in the dusk of the door, and was in an admirable position to become cold. Feeling worse after a day or two, I applied to the doctor again, and he then admitted me to hospital; that was on the 6th of January 1839. From that time to the present I have not been well for a single day. I have never been free from pains, sometimes of the most torturing kind, in the head, chest, back, and extremities. I cannot stay for any length of time; what I learn to-day is forgotten to-morrow, and frequently, when my head is affected with dull pain, as if something were pressing on the brain, and I feel pains in the temples, pains in the eyes, and water flowing from them; I cannot read for two minutes.

From March to June 1839 I was afflicted with the most acute pains. I suffered from neuralgia in the face, my gums became frequently swollen, and my front teeth (upper) loosened, one of them remains loose still. But the most intense pain of all was in the crown of my head, and extending to my forehead; my scalp was painful and sore to the touch; sometimes hot and sometimes as cold as ice; my hair got thin and began to fall out. Rheumatism of the acetabulum was running all over my body, and was especially painful in the right hand and wrist. I suffered intensely from the cold; my chest became very sore and painful, especially over the right nipple; the pain extended to the back under the right shoulder. I breathed with difficulty, always getting worse at night. I felt very sore from my throat along the windpipe and down to and across my stomach. I felt very bad one morning when Dr. Campbell was visiting the patients in hospital. When the doctor came into our dormitory, as he was asking Colonel Thomas F. Bourke and Mr. Malinsky how they were, I began unbuttoning my waistcoat and shirt with the view of asking him to examine my chest, but instead of turning to me and asking me how I was, when he saw by my unbuttoning what I wanted, he continued talking to them, and backed out of the room without asking me how I was. As he was leaving the room I said, "My chest is very bad," but the doctor took no notice of my remark. Messrs. Bourke and Malinsky looked with surprise at each other and at me, and Colonel Bourke said, "He evidently does not want to know that your chest is 'bad.'" The doctor has acted similarly to me on other occasions. Dr. Wilson ordered me a draught to relieve my breathing one night, and the next day he asked me if my breathing was affected in that manner before. I told him it was not. He then said, "I

suppose you merely felt a shortness of wind." I replied, "My chest never troubled me outside." My voice was husky and my throat sore. I remember observing to Dr. Wilson on one occasion, "I suppose this soreness of my throat is caused by the state of my chest." The doctor made no reply. When the chest attack passed away I began to spit a thick whitish spit, with a tinge of yellow in it. Dr. Campbell always told me I could not have better medicine than I was then taking. I also suffered from noises in the head and giddiness. During that time, and from time to time ever since, and every morning generally, after I had eaten a portion of my breakfast, I was obliged to run to the closet, where I was purged, accompanied with great pain in the bowels. This continued, with more or less frequency and severity, up to the present time. I told Dr. Hoffman of this last winter; I was suffering severely from it then; he said he would change my medicine. Dr. Campbell asked me next day, did I suffer from this purging before, and if I had mentioned it before. I told him I did in the spring of that year. I got castor oil and opium for it at that time, I think, on a few occasions. I got a change of medicine as promised, which did no good.

I was discharged from hospital on the 26th of July 1839.* While in the prison I could only eat a portion of my food. I could with difficulty ascend the stairs to the ward in which I was then located, "F" right. When I got to the landing at the top of the stairs my legs trembled under me, my head was dizzy, and I had lost my breath. I was incessantly yawning; and the night before I became sick, to which I am now about to refer, I remained awake all night, quiet and calm, and without anxiety to sleep. I slept the next night, and when I awoke in the morning I found myself unable to stand upright, and had to sit down on the bed. I asked my fellow prisoner, Colonel Thomas F. Bourke, to rub my back and chest where I felt affected; he did so, and advised me to put my name down for the doctor then. I said I would try and hold out till night, for if I put my name down then I should see the doctor at midday, and he would send me away with a dose of physic, which would do me no good then, and prevent me from eating my dinner; that I would wait till night, and send in a sick report, and then, after I had got medicine, I could go to bed. I waited until night, and saw Dr. Campbell. He ordered me a draught, the effects of which I shall presently describe.

During that day Colonel Thos. F. Bourke and Mr. Malinsky, (who, like myself and Mr. John Murphy, were also eating only portions of their food,) were sent for by Dr. Campbell, weighed, and admitted to hospital. He did not send for either Mr. Murphy or myself, though similarly circumstanced. Mr. Murphy is an old man, and I am weaker and less able to endure longer and prostrations than any of my friends. I can solemnly and truly say that I eat as much of the food as I could, and that I forced myself to eat portions of the shirt-of-boar soup and meat pudding, though knowing they would disagree with me afterwards, so anxious was I to avoid applying to the doctor; and hoping that I could remain out of hospital, at least till the coming winter, on the quantity of food I was then eating.

As I have described the effects of the draught ordered to be given me by Dr. Campbell, in the memorial to the Secretary of State, and to which I refer the Commissioners, that same may be taken as part of my testimony. I shall only say that it affected my head so severely that it kept me awake all night; my head was dizzy, the walls of the room seemed to move around me, I felt violent compression at the temples, my throat burned, my heart fluttered and palpitated, I felt inclined to vomit, and in the morning I felt as if about to faint away, until relieved by vomiting. I awoke with nerves completely shattered,

* I was then suffering from severe rheumatic pains and difficulty of breathing. I was taking cough mixture when discharged.

* In proof of this I instance the case of Mr. Rickham, who never eat slices of beef pudding, or great whiffs in prison, and got nothing in his throat. The doctors well knowing he returned it; in fact, he never took the soup, &c. inside his cell. I remember on one occasion he was so sick that he could scarcely eat anything, and nearly all his food was returned by him, for about 14 days. The doctors took as notice of his state and the first day he had begun to eat a slice, and had therefore returned less food. Dr. Wilson and Knight came then to his cell in "B" ward and asked him was he taking his food better. He said he had eaten some to-day. They then left him where he was. Thus was an evident trick, as they did not come to see him when he was not eating any food. When he did eat it was owing to Mr. Murphy's tea having been surreptitiously passed to him. Mr. Rickham was not then confined to his Mr. Murphy being longer in prison was confined to it. Mr. Malinsky, at the risk of punishment on detection, secured Mr. Rickham, this tea.

B. Dehn.
22 July 1892.

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p. 104.

unable to breathe, or do any portion of my cell work, which another prisoner did for me. This prisoner was a criminal, who was placed in the room with Mr. Murphy and myself after the removal of Meeks, Bourke and Malachy to hospital. I saw Mr. Fry (hospital principal) that morning, and told him the effects the draught, which he had given me, had upon me; that I wanted to see Dr. Campbell, that I could not remain any longer, and should go to bed in my cell. I shortly after saw the governor about something I now forget; he asked had Dr. Campbell sent for me. I said, No. He then ordered that I should be taken to him. I could scarcely stand with the railing in my head when waiting outside the doctor's office. When about to enter the office Mr. Fry told me to remain where I was; he went in himself to Dr. Campbell, and coming out, after some time, told me to go in. I did. Dr. Campbell looked angry and red, he immediately said, "I tell you men once for all, you must not be falling back on me," as well as I now remember (see memorial written shortly after), "when you can't eat your food. I took you into hospital for a change of diet, kept you there when there was nothing the matter with you; you are not sick." I mentioned the effects of the draught and the state of my chest, and held out my pulse to be examined. He felt it, and then said, "You may have a little cold. I'll admit you for a day or two; mind, only for a day or two." I told him I came there only because I was sick, and that I had eaten as much of the prison food as I could. I felt indignant at the charge of scheming and lying made against me and my friends, and when I saw them in the hospital I told them what Dr. Campbell had said (see memorials of Col. Thos. F. Bourke and Denis D. Malachy, of this date, to the Secretary of State).

The next morning I asked Dr. Campbell to examine my chest, "that I wanted to know whether my lungs were diseased, or whether it was rheumatism on the chest and back I was suffering from." He applied the stethoscope to my left lung, for the first time since I entered the prison, then upwards of three years before, made some entries in the prescription sheet, and changed the medicine that he had ordered me the previous day.

A few mornings after this, Dr. Wilson happened to be making his rounds of the room, E. 1, where Dr. Campbell, walking up the corridor, came into the little room in which I now write and asked me how I was. He turned to Dr. Wilson, who was quite close, and spoke to him, as I was informed, about me and went away. Dr. Wilson came to me in the usual way and said he was sorry to see me looking so bad, and that I was greatly changed since I was there before, or words to that effect.

See my memorial to the Secretary of State, a copy of which I find I cannot get, though I applied for it four days ago.

This memorial was drawn up by me while in a most debilitated state of body and mind. I sweated excessively at night; I had great pains in the back and chest, in fact I felt as if the organs internal to the lower part of my chest were swelling gradually, and that I should burst with the pressure against my lower ribs. I was spitting a great quantity of mucus, and I had a peculiarly bad and starchy taste in my mouth in the mornings; there was a peculiarly offensive smell from my body, and the flesh at the bend of my arm and of my groin became of a deep yellow colour. I trembled and shook, on the left side of my body especially, as if pained; I had spasms of the heart; my breathing was very laboured and heavy, especially towards night. The Rev. Mr. O'Leary, Roman Catholic chaplain, noticed and spoke of this to me; he can tell, if inclined, how sick I was on various occasions.

After sending forward the memorial, I began to feel the annoyances which all persons who report any of the authorities are sooner or later made to feel. Dr. Campbell was sullen and morose, and the officer

on duty, Scott, had the impudence to look over my shoulder and read such portion of the memorial as I had written; and he subsequently told me that he had read it all after I had handed it to him to be given to the hospital principal; this officer (Scott) said to me, "What a look Dr. Campbell will give at you in the morning," and began to play various petty tricks upon me. At last he ordered me from the place at which I and my fellow-prisoners always stood when the schoolmaster was giving out library books, and bid me fall into a line with the criminals, which was contrary to then lately existing orders, as we were lately ordered to be kept separate from those prisoners, and they could be reported if they spoke to us. I said nothing; I left the place he ordered me from, but did not fall in a line with the criminals. After the books had all been served out to the prisoners, I told the schoolmaster I would not come into the large room any more for books. I did it for his information, and as I believed them and now, I was not allowed to enter that room and associate with the prisoners at all. The officer, Scott, raising his voice, said, "You are no better than any other man here." He looked at the men as he spoke, and what he said was evidently spoken to excite them to anger against me. I told him I did not address him, that I was speaking to the schoolmaster, and who or what I was was no business of his. I felt it time to put an end to this man's annoyances, and so I reported him on the 2nd Sept. 1892 to the governor. He took down a portion of my statement, and said he'd inquire into the matter. He sent for me in a day or two and said, Mr. Scott was a very good officer, and that his word was against mine, or something to that effect. He had just read for me that Scott said he thought or believed he said something to the effect that there was no more rule for me than any other prisoner, or words to that effect. Of course I did know whether the governor asked Mr. Green, the schoolmaster, anything about it, but as he never alluded to him I have a right to presume that his testimony could not have been in favour of the officer. Scott's reply, as furnished in copies of application to governor, is an absurd and deliberate falsification of the facts. He ordered the prisoners to fall back before a single book was issued, and he asked me say after the order was given, "I won't come here another week if not allowed to touch the table." Green states truly, that the altercation occurred after all was over, that is, after all the books were served out to the prisoners.

Green stated, some time before the coming of the Commissioners, in the presence of Mr. Malachy, that he really knew nothing about what was said at all, as it was nearly all over before his attention was drawn to it, he was so much occupied about the books; and yet he is ready to say, for I believe, and it is evident it was forced upon him, that he should have heard if Scott said "You are no better than any other man."

He subsequently said to me, when shown his version of the story, that it was incorrect, and that he only heard the latter end of the altercation, as before. Mr. Malachy and Mr. Power were both present when he said this. I play this man who is forced to consent to be put into his mouth to save his situation. But such is the effect of the system. I was not speaking on the table; Green admits this.

Shortly after, I was sent for one morning to see the governor. On my way out through Ward E. 2, I saw Dr. Campbell at the side of the little wooden partition which shelters the beds from the draught at the upper door of the room, standing there as if he had been expecting me, and there was something so significantly triumphant about his stand and look, that I immediately felt my appeal to the Secretary of State was a failure. Strong enough it was. When near the governor's office, the chief officer ordered, in a rattling tone, that men (me) to fall in with a criminal prisoner, and having marched me into the governor's office, that gentlemen asked me, "Did I petition?" having asked the other prisoner the same question. He then looked at an official document and sharply

said, "No grounds." I asked the governor did the Secretary of State refuse me the change of food which he granted to Messrs. Malenby and Bourke, who, compared to me, were remarkably strong men. He said, "That's the reply of the Secretary of State to your petition (no grounds)."

I have doubts that the Secretary of State ever saw the face of that prison as memorial, because I cannot believe he refused me the change of food he granted to stronger men. Mr. Murphy was allowed to starve on for months, returning his skin-of-beef soup twice a week, his meat pudding once a week, and a large portion of his bread every day, while his fellow-prisoners, Messrs. Bourke and Malenby, occupying the same dormitory or room with him, were allowed full hospital diet on those days. He is an old man, and the doctor knew he was returning his food, and yet he allowed him to starve on until he was forced to come into hospital with sore heels and thrombosis. See return diet book for 1859 for the quantity of food returned daily by Mr. Murphy from the 6th July 1859 to the end of September or beginning of October same year. Mr. Murphy is neither a pederast and eccentric old man, and Dr. Campbell, knowing some of his peculiarities, attempted to come on the soft side of him one day, as a set-off, I suppose, against the starvation he had been inflicting on him. He graciously told him, "You never ask for anything; you never make any complaints (sneering me obliquely); you may go into the back yard to converse with your friends." Mr. Murphy was discharged by Dr. Hoffman some time after, to make room for Col. Richard Bourke, and was then told by Dr. Hoffman that he would get the same diet as the others, thus proving they had the power to give the diet before.

The full diet upon which Dr. Campbell placed me — when he admitted me into hospital for a day or two, as he said — not agreeing with me, I asked Dr. Wilson for a change. He said he would give me low diet, and a chop or steak the next day. Principal Officer Fry came to the cell in which I was then located, and said Dr. Wilson had forgotten to change my diet, and that he would take my diet ticket into the ward to Dr. Campbell, and have the necessary changes made. He took the diet ticket; and the doctor, coming out to me, asked me what I'd have. He entered the changes in his own handwriting on the diet ticket; the compounder who accompanies him always makes such entries. It was evident to me Dr. Campbell wished to have evidence of his kindness to me appear under his own hand, and that he did not want to have it appear as coming from Dr. Wilson, or anybody else. I can't account for this change of manner. I only note it with a white shawl *en passant*; perhaps Mr. Fagan had something to do with it. I understand Dr. Campbell took my diet ticket out of my cell one day, while I was at exercise, and carried it to the director. About this time, too, a special petition, signed by the M.P.s, and all the leading magistrates, clergymen, and gentlemen of the city of Cork, was presented to the Government in Ireland for my release. I was gotten up without solicitation of my family or myself.

Notwithstanding the effects of the previous draught, Dr. Campbell ordered me another; effects precisely similar, but not so violent as the effects of the previous draught, were the consequence. I wanted more, and earlier in the night, but my heart was weaker, and fluttered more in the morning. I got out of bed to shake off the tendency to faint, which I felt irresistibly creeping over me. An officer, Mr. Daybourne, came in, felt my heart, and said, "Oh, how it flutters!" "perhaps 'twas getting up made it do so." "No," I said, "twas to try and get rid of the fluttering and faintness I got up." "Shall I send for Dr. Campbell?" "No," I said, "I won't have anything more to do with him and his draughts." I went to-bed again, but could not remain there. I got up, and dressed myself. Dr. Campbell came to me at the usual visiting hour after 10 o'clock; he was unusually excited, and asked me with a menacing look, "What is the matter with you now?" I told him the

effects of the draught upon me; he said "Couldn't it be anything else but the draught?" I said, "I thought not." "You said it was the draught else before." I said, "Yes, so it was." He said, "There was nothing in the draught you took to injure you; you have a cold upon you now; you had better go to bed." I said "I was worse when in bed." Dr. Campbell, after giving round the word, came to me again, and said, "It is my duty to tell you what is the matter with you; you have a cold upon you." I said "I may have, but I never had the symptoms I have described except after I had taken those draughts." He never told me before or since, that it was his duty to tell me what was the matter with me, nor did he tell me at any time what was the matter with me, except "You have a cold; 'tis the change in the weather, do." Dr. C. then said something about making charges against him. I assured him I had no disposition to make charges against him or anybody else, but that I should defend myself when insulted or injured, or words to that effect. I had to go to-bed shortly after, and after falling asleep, I awoke greatly refreshed.

Dr. Campbell became somewhat better after this; he ordered me flannel body belts, and a strip of flannel to wear around my neck. I had a cough at the time, and my chest was very painful. He examined my right chest over the nipple, where I had a great pain. Dr. Campbell and the governor also gave me liberty to exercise in the yard where my friends work from 1 to half-past three o'clock p.m. every day.

I got over the winter by keeping within the hospital during the cold days. I was in continual pain from rheumatism, as I believe, in various parts of my body. I had to keep to bed with my chest some days. I could scarcely breathe, and it was sore to the touch, exceedingly so. Dr. Campbell tapped my chest with his fingers on one occasion, and remarked it was clear; then I said "It must be rheumatism." The doctor said nothing; he never told me what I suffered from whenever I complained. "You have a cold" is the only admission he ever makes, except when he found that he had done me on the 16th September.

Dr. Hoffman prescribed for me for exercise and said the draft or powder containing opium, which affected my head as usual; it kept me awake all night, my face was fearfully flushed, I was told, in the morning, and all through the day. I cannot describe the state of my head; the slightest noise maddened me.

It appears I had taken a powder containing opium from Dr. Hoffman before; I recollect that it kept me awake for some considerable time, but as it had an otherwise admirable effect upon me, I did not mention it to him. Dr. Hoffman told me the next day that he did not know opium disagreed with me, as he never saw my papers which he said Dr. Campbell kept in his office. The ordinary prisoner's prescription sheets are handed to the doctor as he comes to each man's bed. Dr. Campbell never brings our papers round with him, or allows Dr. Hoffman to bring them or see them; for what reason? Does he take his time to doctor our prescription sheets? and does he fear Dr. Hoffman's entries would clash with his? He keeps them to himself evidently to subvert an alibi object, as I believe, not favourable to me.

As I was never examined by the doctors, except in the hasty and partial manner on the two occasions before mentioned, and as I saw Dr. Hoffman very minutely and carefully examining the prisoners in the ward, I remained in bed one morning of the past spring, intending to tell him to examine me. Dr. Hoffman was coming around the ward; to me the words of the prisoners, "It was his morning in our ward," when Dr. Campbell entered, and marching

* Dr. Campbell's notes, September 12th. Didn't feel so well; heart, headache. 14th, flushed and feverish. This is his medical history of the effects of smoking.

† Dr. Hoffman told Mr. Power that he does not see any of our case sheets, as Dr. Campbell keeps them; he also told Colwell T. E. Bourke that he was acting in the dark, as he did not see our case sheets.

J. D. H. S.

22 July 1870.

through the ward, came directly up to our room as usual. I foolishly told him I remained in bed to be examined by Dr. Hoffman, as the pain in the lower part of my chest was intolerable. Between the navel and lower part of the stomach, and extending around my body under the lower ribs of the chest was intolerably painful. Dr. Campbell applied the stethoscope himself to my lungs, and tapped my left lung. He muttered, "That doesn't fill," or "fills more; that's the place," and asked me to put out my tongue. These broken sentences and hasty and partial examinations not satisfying me, I asked him, as he was giving orders to the compounder, "But what about this pain between my navel and ribs?" He hastily felt the pit of my stomach with his hand, and walked into the passage leading from the corridor of "E 1" into "B" ward, and sent the compounder for Dr. Hoffman. After conversing with Dr. Campbell in the passage, where Dr. Hoffman in the course of his rounds came to me, I told him why I remained in bed, and how I felt. He stated, "I haven't my stethoscope about me." I said nothing in reply. It was evident that Dr. Campbell did not want him to examine me; that he had this object in view when he sent for him after leaving me, I have no doubt. Dr. Hoffman almost invariably carries his stethoscope; a very handsome one, with tubes which he can fit in his ears, in his pocket. Besides, he frequently returns to patients after he has gone through the hospital in the usual way, and devotes a considerable time minutely examining them; he could not, would not, he allowed to examine me so.

Whatever may be the motive of Dr. Campbell's exceptional treatment, the incontestable facts remain—that he has never properly or sufficiently examined me himself; that he never did so at all for upwards of three years, and then only at my own request, after he had told me there was nothing the matter with me; that he has not allowed Dr. Hoffman to see my prescription sheet, and has prevented him examining me. He allows Dr. Hoffman to carefully and minutely examine the ordinary prisoners.

During April and May of this year my appetite was declining, I only eat portions of my food. I told Dr. Campbell when asking him for milk to take away the scum which I never eat, but as it accustoms low diet he did not do so (it has not been sent to me lately). I was much weaker than I had been even in the winter, and intended to ask Dr. Campbell for a change from beef steak, which I had been eating for seven or eight months, to mutton chop. The beef, always very coarse, is much inferior to the mutton supplied here. I would not have asked for beef at all, but fat of any kind, especially mutton fat, which with bone constitutes the greater part of the chop, disagrees with me.

On the day upon which I intended to ask Dr. Campbell for the change to mutton chop I met with an unfortunate accident, after raising the window of the little room in which I am located I fell backwards off the table upon my back and head upon the floor; I lost my senses, Dr. Campbell who had just entered the ward promptly attended me, ordered me hot brandy and to be put to bed, I asked Dr. Campbell was there any danger; he said, I don't know; you know you are a very weak and delicate man. Next day Mr. Fagan gruffly asked me what I had been doing with myself, that a weak and delicate man like me should not have gone on the table to raise the window, and why I did not ask the nurse to do so. I said, as was the fact, the nurses were engaged with Dr. Campbell, who had just entered the room; in fact I had habitually pulled down and raised the window standing on the table every day, and would never think of asking the nurses or anybody else to do so; they never pulled down or raised the windows during the time I and

my fellow prisoners have been located there. Dr. Campbell said my body seemed to have been wrenched, my feet and legs were icy cold and painful, and had to kept warm by a hot jar to my foot. I was excessively thirsty and did not sleep at all, with pain for several nights. When I appeared to him I was perfectly conscious of the close watch the officer kept over me, to see if I slept and had to tell him at last his most noiseless tread, though in cloth slippers, was irritating to me. Up to a few days ago I could not lie in my position for two minutes. Dr. Campbell asked me to take a draught. I said I would rather suffer pain than take opium again, it would kill me in my present state. In fact my head was quite "light" to use a popular word. I was in a dull, dazy, drowsy state all day, and at night the pains in my legs were intolerable.

I am now unable to walk any distance unless supported by the arms of my friends; they exercised me in this way for a short time, a few days before we were separated by, I am told by the chief officer, your orders. Though supported thus I could not walk as upright as formerly; I was bent double, my whole weight appearing to fall on the muscles and bones of the thighs above the knee, and causing intense pain while I walked and after; there is a partial loss of sensation in my legs, in the left especially, about the toes and sole of the foot. The lumbar vertebrae are weak and painful and have lost their former elasticity. I fear I am seriously and permanently injured, loss of sensation and numbness greatly increased since I wrote this, yet Dr. Campbell says on 27th ult. that I "appeared nearly recovered from effects of the fall."

I mentioned at one of my interviews that the Commissioners could not afford to say protection thus the persecution of the authorities after we had sent in our statements. I shall shortly detail Dr. Campbell's late treatment of me to illustrate the truth of my remark. Since it became known whether we would give our evidence, the doctor, as is customary with him, changed his newly put-on civility to us to studied neglect and defiance. He goes through the sickening routine of calling on us every morning and evening, and asking how we are; but when I tell him, as I have done every day since I fell, that my back is weak and painful, and that my legs are numb and getting more useless to me, he merely turns his back without saying anything, or says, as he is going away, "Go on with the liikment." On the 4th instant I had palpitation of the heart, and told him so, holding out my wrist to be felt, but instead of doing so, he turned to Colonel Richard Burke, whom he had avoided before coming to me, and asked him how he was, and went away. I had to suggest the galvanic battery myself to Dr. Hoffman. I have used it twice; on the second occasion, though much more powerful it had less effect on my legs than on the first. I had to ask for a new plaster for my back, and I asked the officer for opening medicine from time to time, as he never asked me after the first few days from my fall what state my bowels were in. I complained of pain and inflammation in the groin, and asked I had passed but little urine lately, and found difficulty in passing water. He then ordered a draught, to act on the kidneys. When making water since I've had to go on my knees, owing to weakness of my back and legs; my bowels are always tight since the fall, and I can scarcely expel their contents. I complained of the above from day to day, and yet Dr. Campbell states in one sheet, under date of 27th June, that I appear to have nearly recovered from the effects of the fall; and on the 29th he says I was sitting up and made no complaint. This is not true; in fact I am ashamed of complaining to no effect. I am not able to walk across the room without leaning on my fellow-prisoners' arms, or the chairs, tables, &c. My fellow-prisoners carry me to the exercise yard every day, where I sit on a chair while they are exercising. They support me on their arms for a short exercise of two minutes or a quarter of an hour. I can't exercise, even thus supported, for

See Report, p. 27.

* Dr. Campbell betrayed as, many times during past spring great anxiety to make me say I was better; Mr. Power noticed this; spoke to me about it.

a longer time, as my legs become heavy and helpless. Finding Dr. Campbell paying no attention to me, and the painless extending along the back of my thighs to my genitals, I remained in bed till he came round. I told him of the extension of the numbness, and asked him to examine my back, which was very painful. He merely touched my back with his fingers, and was walking away, when I arrested him by asking, "What is the matter with my back?" He said, "Of course you got a great wrench there," and told me to put on the plaster and my flannel bandage. I told him subsequently I didn't find my legs getting better, and showed him my left foot puffed and swollen. He said, "Go on with the remedies; I don't see you can have better."

One of the greatest punishments inflicted upon us is the almost absolute seclusion under which we have been placed to the criminals who act as nurses in hospital. Dr. Campbell has always a ready ear for the stories of these ruffians. They are all aware of his hostility to us, and think they cannot better ingratiate themselves into his favour than by pandering to his antipathy to us. His officers, knowing his malevolent feeling towards us, are but too ready to induce such stories, though knowing nothing at all about them, as in a recent occasion to which I am about to allude. I was dining in bed a few mornings ago, after being purged twice from cancer cell, when I was awakened by a thumping on the floor. On turning round, I saw the nurse beating a large mat against the floor, to take the dust out of it, and another criminal with a sweeping-brush dusting it. I said to him, "Don't beat that mat there; you'll smother us with dust." He replied, in an insolent manner, "You don't see any dust rising, do you?" "Yes, certainly; how can you smother the dust out of it without rising it?" "The corridor is the usual place to beat the mats off," he said, "I have always obliged you, and done what I could for you, but I'll do less in future." I said, "You did nothing for me, and I don't care if you never cleaned this place; this is no place to raise a dust in, such a small room, &c." I turned to sleep again, and thought no more of the matter; but it now appears this nurse saw Dr. Campbell that night, and on the pretence of asking him to leave the hospital, told him stories, the extent and nature of which may be gathered from the following details:—

On the 25th July last I was necessitated to use the stool in the room; it was sent there for my use, being unable to walk unsupported to the closet. I never was necessitated to use it except in the morning once generally, and very often only every second day. This man knew this, and saw me frequently use it, yet he would never remove it until night. I refrained from speaking to him about it owing to his short, bad temper, which he deprecates himself. I had to tell him one night in answer that the stool was full all day. He replied in his usual insolent tone, "You should not have used it at all." I then said, "The doctor had ordered it, I suppose, as I was not able to walk." He replied, "I know all about that; the doctor and the officer said you did not require to use it at all."

This was the first intimation I had that Dr. Campbell had been in consultation with this prisoner and the officer about me. I had not been told by Dr. Campbell not to use the chair; it had not been taken away, and the officer of the ward to whom the order would have been given did not speak to me about it, nor did he know when I used the chair.* I had been told that the nurse and officer were speaking to Dr. Campbell in the little cell a few nights before the mat was let out of the bag, owing to the bad temper of the nurse. I saw at a glance, from the manner and expression used, that a scheme was being set on foot against me, ultimately to charge with sedition or malfeasance, possibly with the view of supporting Dr. Campbell's statement of the 27th ult., that I appeared newly recovered from effects of B.S. This is the

way many charges of this kind are got up against patients. The nurse does not want to do anything for him, or the patient offend him in some way, or does not value his services by giving him portions of his food; he then goes to the officer and trumps up a lying story against the patient. The officer, glad to catch at anything in the nature of a charge or a report, runs to the doctor with a charge that the patient is troublesome or scheming. The bad character once established in this way over other clings to the prisoner, and he is henceforth treated as a schemer.

I naturally felt indignant that Dr. Campbell should have spoken to the prisoner about me in the above manner; and in order to prevent mistakes, I made a short note of what the prisoner said, intending to read it to the doctor that night. It was thus (copy): "This evening I asked the nurse McCoy to empty the stool, as I had occasion to use it this morning, and he allowed it, as he has always done, to remain unemptied all day. He said, 'You should not have used it at all.' I then said the doctor had ordered it, as I was not able to walk. He replied, 'I know all about that; the doctor and the officer said you did not require to use it at all.'"

The doctor passed by our room that night without entering it; but he turned back, as the officer told him I wanted to see him. I stood up as he came back, supporting myself on the chair. I said to him, in order to be careful and prevent mistakes, I would read the following notes for him. I read the above for him, and asked him was it true. Of course he answered, with a malignant expression, slowly in this way: "I consider, as you are able to take exercise for five hours every day, you ought not to use the chair when you come back from exercise." I told him I never used the chair in the afternoon, and asked him how did I take exercise? He made no reply. I asked him how could I help using the chair if necessitated to stool, as I could not walk by myself? He avoided answering directly again, and again deliberately repeated, "You can take five hours' exercise, and you must not use the chair after exercise." I told him again I did not use the chair after exercise, as he asked it; that wherever I used it it was in the morning, often after I had taken opening medicine, and often I did not use it at all. He said again, "You can take exercise, and you must not use the chair after exercise," and, turning to Mr. Power and Mr. Malenah, said, "I'm sure the others must find it disagreeable." Seeing that, in spite of my protestation to the contrary, he falsely persisted in insinuating I did use the chair after "exercise," I said, "You have been listening to the lying stories of prisoners, and believe them to be true; and to say that I used the chair after 'exercise' would be slandering me." He became as excited as his studied cool, malignant manner would allow him, and said, "You must not address me in that way." Advancing towards me he repeated, "You must not address me in that way." I replied I would not allow anybody to slander me; that I had not used the chair but in the morning, and that I had never used it, as my friends could prove, pointing to Messrs. Power and Malenah, to whom he was after appealing himself. Mr. Power, disgusted with his treatment of me, said to me indignantly, "Ah, man, don't explain any more; don't you see the way he is treating you?" Dr. Campbell said, "What?" Mr. Power replied, "If you have been treating the man indignantly. The man we have to serve down to exercise in our arms." Dr. Campbell turned to Mr. Fry and said, "Report these two men," meaning me and Mr. Power. I said to him, "At all events you don't deny what the nurse said." He said, "Ah, are you getting up stories against me?" I said, "No, I am not; but you have been listening to prisoners' stories about me, and insinuating." He turned away before I had time to finish the sentence, and called to an officer named Daybourne, who was standing outside in the ward, and said to him, "Listen to me to use the chair during the day, but be easy use it at night." Dr. Campbell went away after giving the

Dr. Dallas.

22 July 1876.

See Report, see 715.

* The nurse said he asked the doctor to go down to the prison, but the doctor would not let him go; he kept him there to empty it.

B. Dicks.
22 July 1879.

order, insinuating that I did use the chair during the day. Dr. Campbell's manner was studiously insulting from the beginning, and towards the end meant to intimidate me. He became calmer after Mr. Power's remarks; and to these I believe I owe the liberty to use the chair at all. Dr. Campbell's treatment of me has been on several occasions infamous, as Mr. Power justly remarked. Dr. Campbell has the humanity of his treatment of me in this instance on the miserable sympathy contained in the argument which he has ready to justify his order in reply to my simple question put to him as before mentioned, viz, that as I could be taken to exercise, I could be also taken to the closet; but he forgets to state that the persons who carry me to exercise, Messrs. Malachy and Power, were in bed when I used the chair, and that I would have to be assisted to dress before I went to the closet. He also forgets that he never gave an order before to his nurses or officers to dress or carry me there at that hour in the morning, the only busy time in the whole day with these nurses, or at any other time, and that if his argument was carried practically into effect, there would be no necessity for chairs or stools in hospital at all, as I and every sick person using a chair could be carried to a closet. Mr. Power is now under report, and likely to be severely punished.

Dr. Campbell clearly has an ulterior object in his requesting I use the chair during the day, and in stating that I take exercise for five hours every day. Both, as I have shown and can prove, are deliberate misrepresentations. As to the testimony of his officers, they must and will back him up in any statement he may make. They cannot give evidence against their superiors or against the system. The hospital officers are mere creatures of his, and would not hold their situations long after opposing his wishes; in fact they will all stand by each other.

I was visited with ill-nature every night by the nurse McCoy; but, not wishing to come into contact any more with him, I asked Mr. Daydon, an officer, to get one of the other nurses to rub me. He did so. On the following night I asked Mr. Lower, the assistant warden, to get a nurse to do the same; he went away, and returned to me saying, "The other nurses refused to rub you." I had to go without rubbing although my left foot was then much swollen and pained.

Mr. Malachy had to complain of the malicious annoyance and provocation of another nurse some time ago; he can more fully detail it, in order to prove how the insults and annoyances of these men are detested and encouraged.

On Saturday, the 23rd July viz., the day after I had handed in my statement to the Commissioners had been here, Messrs. Power and Malachy and myself were taken from the exercise yard to our dormitory in the hospital, and told collect our books, &c. as we were to be removed to the separate cells in B ward. We asked the officer what were we about to be punished for, and told him we would not go until we were by whose authority we were removed. After the officer, Mr. Prosser, had seen the chief officer, he told us that we were to be removed to the cells in "B" ward, and treated like the prisoners under hospital treatment there, that is, like other "troublesome" characters kept or sent for punishment there. We then asked to see the deputy governor. After some time he came quickly into the room, apparently in a great rage. He walked up quite close to Mr. Malachy in a threatening manner, with knitted brows and clenched fists, and said, "Do you want to see me?" Mr. Malachy replied, "I did not know I was reported." The deputy governor then said, "Malachy, I told you before it was enough for you to know that I give the orders, and they must be obeyed." The deputy then walked up in the same threatening manner to Mr. Power, and said, "Do you want me?" Mr. Power said, "I want to know why I am to be removed?" He contemptuously replied, "It is my order." Then said Mr. Power, "You'll have to remove me." The deputy left the room, telling the

officers remove us. He returned at my request, and I asked him had he an order to remove me? He said, "You will obey the order." I protested against removal in my present state. He said, "You must go." To which I replied, "Oh, of course you can remove me by force." We were then removed to the cells.

These cells are gloomy and depressing compared to the little hospital room in which we had been located. The criminal in the hospital can enjoy a view of the country from the hospital windows, and can raise them up or let them down at convenience for the admission or exclusion of the fresh air. The windows in our cells are a thick dull kind of glass, which admits the light but through which you cannot see, even if they were set too high for that purpose. And to add to the gloominess, and limit the supply of fresh air, a sheet of iron, painted black, is placed across the centre of the window on the outside, extending below and rising above the movable pane used for ventilation. The large window at the end of the ward is also of the same kind of glass. The lower sash of this window is screwed down; if it were not screwed down, or if the glass were transparent, a view of the country might be had, as well as increased ventilation. We are locked into our cells five nights in the week at half-past 5 o'clock p.m., and our cells are not open until 5 o'clock the next morning, and then only while breakfast is being served. The cells are also locked during meal hours; so that we are locked into these separate cells on five days of the week about 14 hours out of every 24. On Saturday we are locked up from half-past 4 o'clock to half-past 6 o'clock next morning; and on Sunday evening we are again locked up at half-past 4 o'clock until 5 o'clock the next morning. We find the cells very close and oppressive this hot weather. Even in winter Mr. Power and myself, when sleeping in the little hospital room, found it necessary to keep the large windows open at the top all night; and in the cell in the corridor of ward "E 1," where Mr. Power lately slept, he used keep half the window down and the door wide open all night, so necessary do we find it to our health to have a full and constant supply of fresh air. While the criminals in the hospital rooms are enjoying the pleasure of each other's society, or admiring the beauties of the landscape up to half-past 7 o'clock every night, we are locked into the separate cells every night at the hours before mentioned, and we have been punished without being told the nature of our offence. But an unfortunate friend and fellow-prisoner, Colonel H. Bourke, has been still more cruelly punished by this separation. He was allowed to remain in the hospital in the company of two criminals who sleep in the dormitory with him. He has become much worse since our removal from him, has got out of bed but on two days since then, and scarcely eats any food at all. The doctors are well aware of the fearful effects of his former separation from us by the orders of the Commissioners, and from which he had not rallied up to the time of our last separation. I heard the officer who was in charge of Colonel Bourke, say that during the time he was separated from us, a period of six days, that he did not know how he lived, as he had scarcely eaten eight ounces of food during that time. I have heard that he is constantly calling out that his friends have been taken away from him, and that he is particularly and constantly calling for his friend Tom (Colonel Thomas F. Bourke). As I believe, Colonel Richard Bourke will die if his present treatment is continued. I respectfully call upon the Commissioners to exercise their power of protection on his behalf. I also call upon them to exercise it upon my own behalf, so from the present temper and disposition of the officials here towards me and my friends, while the Commission is still sitting, I have just grounds to fear that after it has finished its sittings we will be subjected to more exceptional and more cruel treatment than any we have yet undergone.

I told Dr. Campbell on the 25th ult. that I would wish to be treated in future by Dr. Hoffman; he said

See report
on Richard
Bourke, p.
214

he was the medical officer and not Dr. Hoffman. On the 28th ult. Dr. Campbell ordered me a special cushion to sit upon, and a support to have my legs kept in a horizontal position, so my feet swell when hanging down. This kindness did not surprise me, as I have always found Dr. Campbell do that from policy which he has neglected to do from a sense of duty. To me the words of Mr. Charles J. Kiekham when reporting him for neglect and ill-treatment, "He never does anything except upon the pressure of a report." He told me to say I could have a better cushion, but he supposed I preferred the one I had as the staff was thicker and warmer than that in the new breeches; I said I did. On Saturday the 29th ult., finding my left testicle very much inflamed and swollen I intended to speak to the doctor about it that night. As I am locked up in my cell and cannot see the doctor unless I put down my name for him when the officer calls out at the end of the ward "anybody to see the doctor," I waited to hear the officer call until I thought it was getting rather late, so I rang my bell, and found from the officer who answered it that the doctor had already passed. Next morning I told the doctor how I was, that the inflammation had abated a little during the night, but that it was swollen and painful. I was unhesitating while telling him this, but the doctor turned round to the compounder and ordered me a suspensory bandage and lotion, and went away without examining me. On the following day I told him it was much swollen, but he did not examine me, he merely said, "You got the bandage and lotion," and walked away. The following day I repeated my complaint; he then said, "I'll examine you in the cell to-morrow," but on that night I felt so great a pain in the groin that I was obliged to send for the doctor; he examined me and ordered poppy fomentations; I told him the part was more or less inflamed since I had the fall, but had become very painful lately. This brings the history of my medical treatment down to this date, August 1870. The Commissioners will be enabled to gather from it the value of medical visits made under such circumstances.

The history at the prison except when a doctor is expected or upon such rare occasions as the visit or expected visit of Commissioners has been always inferior, except in the article of bread alone to every other convict prison in England. I have heard scores of newly arrived prisoners complaining of the bad quality of the food here compared with the food in the prisons they had left. Prisoners who complain of food here are called "trouble-makers," and are I believe shifted after a time to hard labour prisons, hence for invalids make themselves troublesome in this way. I think Mr. Rossiter mentions that he heard a man tell Dr. Baker at Portland that he was sent there by Dr. Campbell because he complained of the food at Woking. Dr. Baker finding him totally unfit for a hard labour station, had asked him why he was sent there. As this is an invalid prison in which men are supposed not to be as hardworked as they are at the able-bodied convict stations, many of the prisoners here, with the dread of removal to Dartmoor or other prisons hanging over them if they make themselves what is called "trouble-makers," by complaining of the food or medical treatment, choose the lesser of two evils, and "keep themselves quiet," to use another phrase of the prison officials, i.e., they make no complaints of food or treatment. Hence under this power of removal, a punishment not possessed by the governor or doctor of any other convict prison, almost any kind of rubbish can be served up as food here to all but the able-bodied, who get the best of everything. The invalids at hard labour get the next best, and those working in the knitting and cotton sheds get the worst, least nutritious, and smallest quantity of all, namely, light labour diet. The first day I arrived here I noticed that the food was inferior in quality to the food at Pentonville. There has been some improvement since that time, owing I believe to the presence of the able-bodied men

who were sent here to build the female prison. These men were in health and did not care where they worked, they were not afraid to ask for better food and better weight, and I heard and believe that Mr. Fagin ordered that they should be allowed to see their meat weighed when they carried it to the cook-house complaining of deficiency in weight. The tea is generally bad. Not long ago, in the beginning of May, I believe, the tea was so very bad, that at last a great many men in the hospital ward, "E 1," returned their breakfast tea; it was in truth more coloured water. During the day principal officer Fry announced that the Governor had condemned the tea, and that he had sent back a chest of it. It is comparatively good now, owing, I believe, to the expected visit of the Commissioners. From the time of my arrival in this prison, up to the Sunday previous to the visit of Commissioners Pollux and Knox, the cheese was extremely bad. I recollect that within a month before their coming the cheese was Sunday was so surprisingly bad that whole wards of prisoners went to the cook-house to return it. I showed mine to the warden through the trap-door of my cell. He said, "It's all the same," and passed on. I did not carry my cheese to the cook-house; my pride, my self-respect revolted against the degrading humiliation of voluntarily standing amongst thieves, waiting like a pauper until my bit of cheese was examined.

On the Sunday previous to the visit of Messrs. Pollux and Knox, the cheese served out was a source of astonishment and praise to nearly all the prisoners. In fact from this Sunday until ten days or a fortnight after the visit of the former Commissioners, the food was so improved in quality as to have very little but the same in common with that previously supplied, and with that supplied afterwards, except on rare occasions, up to the advent of the present Commission.

The food supplied to patients in hospital is generally very bad in quality, and is always barbarously cooked, — badly cooked indeed would be much too mild a way to describe it. This is an accurate description of the breakfast given to me six days out of every seven from 20th September 1869, to 17th May 1870 — a short thick junk or lump of beef, burnt as black as your hat on one side, the other side raw, red, bloody, and uncooked; or a similar junk burnt black on all sides, and as white and dry as a chip when cut. The puddings are scarcely ever free from a sprinkling of most more or less thick. In the rice puddings the rice is generally uncooked and flavorless. I have not eaten the rice puddings frequently on these accounts. The milk is seldom unadulterated with water; in fact it is well known prisoners seek the situation of cooks, not to cook, but to plunder. This accounts to some extent for the small chops, &c., watered milk, and the puddings without egg or sugar. I can't tell you if this bad cookery and plunder exists in Millbank or Portland. Mr. Power, who was recently in Millbank infirmary, says the food there was much superior in quality, and much better cooked than at Woking or Portland. The doctors here attribute the bad cookery, &c., to the fact of there being no separate kitchen for the hospital. Since I met the unfortunate accident before alluded to, now upwards of a month, I, in common with two ordinary prisoners in this ward (E. 1), have been placed on chicken; a wing or a leg falls to my share generally, so dirty and covered with the "penicillars" that I spend some time every day picking them out before I attempt to eat. I have not eaten the chicken broth above six or seven times; it was more hot water, having neither the taste nor colour of chicken broth. I complained of this several times, but the officers about the cooks are incurably ignorant and dirty. Since the coming of the Commission on attempt has been made to improve this liquor, in which the chicken is served up by mixing and throwing it with pepper and other ingredients; the liquor is now drinkable, but it is not chicken broth. * I

* 26th June. Complained to Dr. Campbell of the broth; it was better yesterday, the 27th. It is much improved now. I have become bad again and chicken broth.

R. DICKIN,
29 July 1870.
see enclosure

see R. report,
page 25.

H. Dallas.
2 July 1879.

don't know that the other prisoners complain of the above (if they have any such grounds of complaint); I neither think they have not complained with the punishment of Alfred Vallens before their eyes. He complained to Dr. Hoffman some months ago about the poor quality of, I think, the best-food. Emboldened by his example, several other prisoners also complained. For this Vallens, who fell from a scaffold when working at the female prison, and broke his arm, and who subsequently became paralysed, and was then bed-ridden, was removed to the separate hospital cells of "B" ward. This man some short time previously was apparently in a dying state; he could keep nothing on his stomach but hot brandy. Removal to the cells in this man's case was a great hardship, as during the 14 or 15 hours out of every 24 that he was locked up in his cell he was perfectly helpless, and had no one to assist him to stool; hence he had to let go his medicine in bed, and was once 12 hours lying in his excrement. He was removed to the hospital room the day we were sent to the cells, where he was sent for punishment. Slatery and Murphy, the other prisoners who got chicken, are both suffering from some kind of chest disease. Slatery formerly complained to the director that Dr. Campbell would not take him into hospital, or treat him for his disease. His chest was then very bad, and he had a bad cough. He asked the director to remove him to some other prison where he could get medical treatment. He told me the director said he was not fit for any other convict station, and yet the doctor neglected to keep the man in hospital until reported by him to the director. He was very bad this spring, but has rallied a little lately. I believe he is treated well now. This is the usual way of treating men in convict prisons; they are neglected at the earlier stages of disease, and only during the last stages are supplied with proper food, which had been given in time, if it did not save, might have prolonged their lives. I have seen a young man in a palloping consumption named Thomas Dunne, much weaker and more emaciated than either of these men, taken out of his dying bed, and of course, being reported fit for punishment by the doctors, he, Dunne, and another consumptive patient named John Savage, then also in hospital, and still alive and in the prison, were both sentenced and underwent seven days' penal diet. Dunne died about six or eight weeks after punishment. The temperature of the hospital is very low in the winter. I have seen it as low as 43°.

I have entered into the above details with the view of enabling the Commissioners to form an accurate opinion respecting the hospital treatment and discipline.

In order to show that political prisoners suffering from disease and in a critical state of health were similarly treated, I look with the cases above cited that of Andrew Kennedy, a treason-felony prisoner sentenced to five years' penal servitude, some time as inmate of this prison. Kennedy was a great sufferer from chronic reflux and bronchitis; he had been discharged from the militia on that account. He complained one morning to the warden of "B" ward, Mr. Scarswell, about the manner in which the food was served out; he said we nearly always get nothing but the thick muddy gruel, which was the fact. They served out the gruel to the other prisoners that, leaving us the gruel at the bottom of the can. Scarswell locked him up immediately for daring to complain, and he was brought before the governor that day for the offence. The governor, I believe, dismissed that charge, but Scarswell subsequently finding a drawing of the human figure on Kennedy's state, which he fancied was intended to represent him, he brought Kennedy again the same day before the governor, who sentenced him to 24 hours' bread and water, without a bed, &c. On another occasion Kennedy was taken out of chapel during mass, stripped naked, and scolded. He was very bad then, and he told me the naked search in the state he was then in, after coming

out of the hot, crowded, underground cellar or room in which mass was then celebrated, to the cold cell or passage of the punishment ward where he was searched, greatly aggravated his complaint. Kennedy became so bad afterwards that he was liberated on petition, backed by the medical certificate of Dr. Campbell, who had allowed him to be punished. Kennedy told Mr. Malesky that he heard Dr. Campbell ask Mr. Fry if he was really as bad as he appeared, and that Mr. Fry said he was. He also told him that he was sicker the same since the night he spent in the punishment cells on bread and water and had no bed. In October 1867, Patrick Barry, a political prisoner, applied to Dr. Campbell for medicine. When the doctor saw him he said, "Now, Barry, I had enough of you before, you must not be bringing on that sickness" (meaning vomiting his food, for which he was invalided here from Portland). He then gave him some medicine, but refused to admit him to hospital. That night, after supper, Barry showed me his cell pot half full of vomited food, and made me remember it, as he said he felt very bad. Mr. Barry had to leave off working in the female prison, owing to the cold, want of food, and insufficiency of clothing. I believe he petitioned the Secretary of State or board of directors about this time respecting his medical treatment, but to no effect. He became so very bad afterwards that Dr. Campbell was obliged to take him into hospital, and the doctor subsequently came to Mr. Malesky, who was then working in the carpenters' shop, and told him that Barry was very bad, that he could go and see him after work, and that he could have anything he thought he could use. Mr. Malesky will tell the story he found Mr. Barry in that night. On the following night, the 27th of December, Mr. Malesky was ordered out of bed and directed to go to the hospital to Mr. Barry at once. He remarked to the officers, "Barry must be dying when I am sent for." When Mr. Malesky entered Barry's cell, he found the Rev. Mr. O'Leary there before him with a lighted candle, &c., preparing to anoint the man whom Dr. Campbell had treated as a schemer and a malingerer. Poor Barry was speechless. I call upon Mr. Malesky and the Rev. Mr. O'Leary to corroborate the above, and submit it as part of the treatment to which we were then and are still liable to be subjected. We are still subjected to the worst features of the system that killed John Lynch within a few months after his arrival in English convict prisons, that has made permanent invalids, suffering from various chronic diseases, including phthisis, of Messrs. Malesky, Brewster, Bourke, and Power. In a word, we are still subjected to the treatment and discipline that has driven Carey, Kearns, and Richard Burke mad. I have been an invalid since my arrival in England, and though suffering from disease and bodily infirmities, I have been made to undergo, and have undergone, not only all the hardships admittedly incidental to penal servitude in the prisons of Montjoy, Prestonville, and Woking, but also those hardships which I have proved were not incidental to criminals undergoing penal servitude in those prisons. I am now, with the exception of a few weeks, nearly 18 months continuously in hospital, and I was much weaker and far more debilitated even before I met with the accident before mentioned, than I was when I entered hospital in the month of January 1863. The disease and debility I then complained of was caused by want of suitable food and clothing, and by the hardships and privations before described, and was owing in no small degree to the neglect and ill-treatment of the medical officers. In judging of my case, then, the Commissioners will bear in mind that in Montjoy and Prestonville I was subjected to the same hardships and exhaustive discipline as O'Donovan Rossa and Martin H. Casey, who were then remarkably strong and able-bodied men, and that it was in the invalid prison of Woking, I, an invalid, was subjected to the hardships and ill-treatment before described, notwithstanding the statement of Messrs. Pollock and Knox

R. Daines
22 July 1879.

that I had a scrofulous constitution, and was being carefully attended to then. Dr. Campbell told Misses, Pollock and Knox, in my presence, that I was a very quiet man, given to trouble, and made no complaints.

Scamwell was under the greater part of the time I was located in "B" ward. This ward was then specially set apart for "Ingletons, prison breakers, and Forgers." There were a few specially-favoured prisoners there also. The discipline was not so severe then as now. The warders and other officers who were responsible for the cleanliness of their wards, allowed the good criminals to do portions of the ward and cell work for other prisoners. Some of those prisoners frequently assisted me. The cell and ward work had to be done within a time too limited for my strength. I had exhausted my strength before leaving my cell to commence the labour of the day. I breakfasted upon three-quarters of a pint of cocoa, the half of which was grounds, and five or six ounces of bread. Principal officer Skene frequently ordered that I should do my share of the scrubbing, but he took no notice of Pearson, an indolent prisoner, who always scrubbed before the cell of another prisoner named Monk. Pearson also kept Monk's tin, &c., barnished, and had always free access to Monk's cell. Monk was seldom to be seen in his cell until after the Commissary of Pollock, and Knox, when, for a while, he was locked in his cell like the other prisoners during breakfast and dinner hours. Dinner was supplied to him like other prisoners, but he seldom, if ever, eat it. It was given by the celerities (whose doors remained open during dinner hour then) to other prisoners, or sent back to the cook-house with the empty tin. Monk also went about the prison without being in charge of an officer. I saw him bring tea at night openly in his hand, though not entitled to it. He was when called "an old nut man," and these men were sent at that time, and not until long afterwards allowed to in this prison. I believe his bed to have been a curled hair one such as is used in hospital and nowhere else; his blankets, sheets, shirt, &c., were special; his clothes were always whole and new, and his very long trousers, until liberated in the spring of 1868. I saw the special bed, blanket, and sheets in his cell the morning he was liberated; at dinner hour, when I returned to the ward he had the blankets and the sheets were gone, and comparatively soiled-looking and inferior ones substituted. At this time, too, a new warder named Brooks was appointed to the ward.

Scamwell's manner and demeanour towards me and my friends was markedly and decidedly insulting. I recollect Mr. Kitchin one evening stood, like all the other prisoners in "B" ward, at his cell door while the supper was being served out. It was winter, I think, and the prisoner Monk happened to arrive at his cell door, next to Kitchin's, before Scamwell came round with the bread. When Scamwell came to Monk he asked, in a graceful bow, and handed him his loaf. Two steps brought him to Mr. Kitchin, to whom he frowned, throwing a loaf rudely into his hands. On another occasion, after calling out "Any applications," I replied, "A letter to my mother." He suddenly roared out, "If you don't address me in a proper manner I won't take down your application." His manner and tone were more threatening and insulting than his words. I told him quietly, as was the fact, I was unconscious of having acted improperly. He replied, "You must stand up properly at your door when addressing me." This was in presence of all the prisoners in the ward. On another occasion, after closing my cell door (when the orders "Close your doors" were given) he quickly unlocked the door, and out of breath asked me, "Did I mean to insult him by closing the door in that manner?" "You stopped the door," said he. "Not stronger than every man in the ward, you knew they won't lock if not stopped." I replied, "I tell you what, Mr. Scamwell, if you say 'me in this way' I'll have to take steps to put an end to it." He looked me up in my cell on two or three occasions, while the other prisoners were at exercise, upon some frivolous pretext or other, such as "There

are some crumbs of bread under your table," "Don't the lock of your bed," &c., and although the carrying out of his orders would not take a half a minute he would lock me in and walk away to the exercise ground half an hour, and sometimes during the whole exercise hour, after which he came back and unlocked me. I had then to go to work in a crowded knitting shed, and had no exercise until the afternoon, having been so peacefully, as a feverer, deprived of the morning exercise by this man who I believe now had no power or authority to do so. Scamwell always on my late as often to the wash as he possibly could. I generally caught cold in the hand after being so sent. I attributed to this close cutting, and to the exposure thereto, the rheumatism and other pains in my hand and face from which I have since suffered at various times.

Mr. Kitchin, whose sight was much impaired and who could not keep his cell in the same order as the professional thieves who had spent the greater part of their lives at such work, was frequently locked up in this way. Feeling the loss of exercise very much, he at length told an officer, Scamwell's assistant, he should see the governor about it. The officer got frightened and assured him it would not occur any more; it did not, I believe. We were "green" prisoners then and these men imposed on us. Prisoners had told us they were breaking the rules in depriving us of exercise. Prisoners were then in the habit of taking their books with them to read in the exercise yard; after some time I thought I might do the same. I did so. Scamwell spoke to some prisoners and I think to me—I could see it was all directed at me—about bringing out our books. He said it was not allowed. Next morning I kept my book in my pocket, as I saw Scamwell watching me. The other prisoners appeared to take no notice of what he had been saying the previous day, and were reading their books as usual. After some time a principal officer came, and after talking with Scamwell he called prisoners who had books in their hands over to him, and told them books were not allowed in the exercise ground; after this the prisoners exercising in the other yards read their books in those yards as usual. After a short time books began to reappear in the hands of the prisoners exercising in the yard with me. I went to the governor for liberty to take a book with me into the exercise yard; he refused, stating there was an order against reading during exercise. If there was such an order it was clearly allowed to become a dead letter, and was only revived to annoy us, to make us feel we must not expect the same privilege as the favoured thieves and other criminals. Scamwell always gave me the filthiest and most threadbare jackets, trousers, &c. On one occasion a prisoner handed me a jacket; it was in the winter of 1855-57; it was very much worn, so worn that the light was visible through it on placing it between you and the window, but it was cleaner than any I had ever received before. The prisoner remarked, "I had to fight for that for you." "Scamwell did not want to let you have it, but I" "I snatched it from the bow of dirty old things." That night or next morning Scamwell remarked "You got a new-trim jacket." On another occasion I saw him distributing waistcoats amongst the prisoners, new ones principally. He gave me an old waistcoat. I asked him for a new one, but he refused it; these were only for favourite thieves; the dirty old rags were good enough for us. The prisoner, Charles Pearson, before mentioned had always a thick heavy jacket lined with cotton, a Dartmoor jacket, as it was called. The jackets at Dartmoor, owing to the cold and damp of that place, were then lined with cotton. The jackets at the other convict stations were not so thick. Pearson had also a thick heavy trousers; it was made so by large patches at the knee and seat, covering the original cloth. He was clothed this way until liberated, upwards of 12 months after I was placed in knickerbockers. When Mr. O'Keefe came here from Portland bringing a "Dartmoor jacket" with him, he was immediately after arrival awarded from the exercise

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ground, and the lining removed from his jacket by an officer who was then Scamwell's assistant warden. During the severe winter of 1866 and 1867 before mentioned, the prisoners located in the ward over me, "C" ward, were told by their officers to go to bed immediately after supper. Scamwell never allowed me or any of my fellow prisoners to go to bed from the ward; we were obliged to wait until "bell time," a quarter to 8 o'clock. Prisoners in the ward told me they wrapped their blankets about them while reading; I dared not do so. I felt bread and water that inclement season would, so the Pentonville officer said, have done for me."

It may be urged, by the governors and directors in reply to some of the above statements that the officers exceeded their duty or were acting contrary to the orders of the prison in the cases detailed; but as it was clearly the duty of governors and directors to see that their orders were carried out fairly and impartially towards all, and as they either did not see, or winked at the breaches of their rules and orders when in favour of the criminals, and allowed these rules and orders to be evaded and put into force against us as they were clearly responsible for the actions of their officers, whose treatment of me and my fellow-prisoners was meanly, viciously, and cruelly exceptional.

I spent nearly 18 months in a knitting shed knitting stockings. This shed is part of the basement story of that portion of the "right wing" of the prison which runs perpendicular to and flanks the ground line or body of the building. The "shed" as it is called is immediately under "A" ward, and is steps below the level of the exercise ground, which rises immediately in front of it. There are two privies and a mind within a few feet and opposite to the door of the shed. These are constantly used during the day by the prisoners working there. Wakeland, the officer then in charge of the shed, must have received very strict orders to watch all our movements; whenever I or any of my fellow prisoners whispered, even tho' it was about the work, he would instantly cry out, "What's up now? What's the news of the day? Anything in the 'Nation' (newspaper) this morning?" This was said in a contemptuous and sneering tone, standing with a half face to us and to the criminals, whose approbation he always apparently sought, when he thought he had said a hard or biting thing to the Fenians: he would then march backwards and forwards across the top of the shed humming a tune, apparently well pleased with himself, and casting significant glances at the Fenian criminals who enjoyed the fun. Strict silence was supposed to be kept in the shed, but was very seldom endeavoured to be enforced against the criminals. Whenever he found it necessary to check them, he rabbitly told them to go on with their work there, or called out the name of the party offending and said, "You'll lose your marks," "Mind your marks," or words to that effect. He never said to them, "What's up now? conspireing to 'rob when you get out, eh?' &c." I was told by this officer to assist Mr. Kieckham, whose defective sight prevented him (wearing to knit, yet tho' I was obliged to communicate to him frequently on my fingers about the work, I was not exempt from continual censure. "Dillon," he would say, "mind your 'own work. I've marked on the slate the number" of times you spoke so-day. You'll find your marks" "shot at the end of the quarter, &c. You are

"leaning against the wall, sit up, &c." When not allowing us, this man was twisting into puns words or phrases used by some prisoner for the purpose of raising a laugh. He remarks to me and my friends, if not plainly abusive, were generally sarcastic and insolent. After Mr. O'Keefe was removed to Portland, for being "troublesome," as Wakeland said, he added, "Serve him right," looking knowingly at us, he said, "There's a graveyard at Dartmoor, see." He subsequently said, holding his hands over Mr. Kieckham and O'Keefe (who had been sent back from Portland), "O my country, what whiskey I've drank for you." One of these gentlemen had never tasted whiskey or any spirituous liquor in his life. In order to get rid of this man, Messrs. O'Keefe and Kieckham applied to the Governor for liberty to work elsewhere. They were sent out to the carpenter's shop for a few days, and then to cut bricks with me.

During the greater part of the time I worked in this shed a prisoner read aloud for an hour each time twice a day. The Scripture readers had, I believe, the selection of the books to be read. Altho' the library here is large and varied, the books usually read were so offensive to Roman Catholics and Irishmen, as to leave little doubt but that they were selected for the purpose of offending. The books contained such stories of or allusions to the Inquisition, priests, nuns, and the confessional, as are frequently to be met in the rabid productions of Bunton or impostors of the Maria Monk stamp. Another class of books always contained a funny Paddy with his pig and still-dish. Paddy's sayings were recited with laughter by the English portion of the audience, some of whom would turn to see how we took the thing. I remember one day a prisoner, named Fairweather, read an extract from Chambers' Encyclopedia of English Literature, about, as well as I can recollect at this distance of time, a priest who seduced the woman whose confession he had heard, and afterwards murdered her. Some of the Irish and Catholic prisoners angrily rose and told the prisoner to shut up that book: a row was imminent; the officer threatened and advised, and quiet was restored by the prisoner reading something else. Next day the Governor, who was away on the day of the "row," as I shall call it, asked the officer why he allowed such a book to be read among so many Roman Catholics. The officer said the book was sent to him to be read. The Governor then called the prisoner Fairweather outside the shed and spoke to him for a moment. Fairweather told me that day the Governor merely asked him why he read that book, and ran up the steps before he could answer him. Fairweather would not read any more. A man named Cook was then sent from another shed to read in Wakeland's, but the prisoners would not listen to him, as he was a very bad reader. A prisoner named Percival, a good reader, was asked to read, but said, "They won't allow me, as I refused to" "read a book in another shed that I thought would" "be offensive to my Catholic fellow-prisoners." A Scripture reader named Moss afterwards came in; he thanked Fairweather for his past services, and told the prisoners Cook was the best reader that he could procure. Percival offered his services again, but was told he could not be appointed. At length Mr. O'Keefe offered to read. The Scripture reader said he could not allow him. Either I or Mr. O'Keefe asked him why. He replied, "Because he is a Roman" "Catholic, and this is a Protestant country and a" "Protestant prison!"

Subsequently a Roman Catholic prisoner, named Norris, wrote to the Board of Directors, and the readings were therewith stopped. They had been stopped at Dartmoor previously, and the Governor, I was told, informed the prisoner who wrote to the Directors that if his memorial went forward, there would be no more reading in the shed, as the Directors did not think it necessary.

The foregoing facts relating to the knitting shed give but a faint outline of our exceptional treatment

* Scamwell is hasty and short-minded. Although I could not hear his scolded threat to cloth slippers, his heavy breathing was audible to me as he stole on tip-toe to my cell door to look at me through the inspection hole. He kept a constant surveillance of the shed upon us when in our cells at night. At other times I could hear him chatting with prisoners Monk and Parsons. My bonds were always loose; I suffered greatly in the way, and though I sang my ball first to go to the stool, as he could not by the signal, and I was married to Nels at the top of the ward, he would pass my door and leave out others before me. In fact he never missed an opportunity of teasing me worse than the criminals, and showing them that he did so, said over the end of his time in "B" ward.

there, and the insults and indignities heaped upon us by the officer and those who selected the books to be read. It is but a meagre epitome of the occurrences of a few days of my life there. A repetition of like, or similar occurrences, extending, I believe, to eighteen months, coupled with the confined and monotonous nature of the employment in the vitiated air of the shed, had a most prejudicial effect on my health. When I left the place to work in the open air, I felt as if passing from a long death-like trance to the light and life of day.

I have learnt from letters received from my mother that Captain Bramley habitually crosses portions of my letters without letting me know, so in my fellow-prisoners' cases, that he objects to the passage crossed. The exercise was on one occasion so clumsily (perhaps designedly) done as to make it appear to my friends that I had an attack of rheumatism. I recollect well that I told the very contrary. The following is an extract from my mother's letters:

"Sept. 1869. My dear son,—I was surprised to learn that health was a forbidden subject; I thought at least that we would have the consolation of knowing the state of your health. The Governor stated in your last letter not to feel uneasy about you, so any time there is cause for anxiety he will let us know. The commencement of your letter was nothing but black strokes. I am sorry to see you were attacked by your old enemy, rheumatism."

As well as I now remember, I merely mentioned in my letter that I suffered much from dysentery the past summer, and was after leaving hospital, where I had been under treatment for shingles and for exhaustion, and that I had not had an acute attack of rheumatism since I left Pentonville; and yet I was made to say I had been attacked by rheumatism. Why? Because that is what Dr. Campbell calls an "old disease" with me, not induced by prison food and treatment, though fearfully aggravated by both, as I believe. Again, the governor must have consulted Dr. Campbell before he undertook to tell my mother not to feel uneasy about me, and as he could not say I was in good health, he made it appear I suffered from my old enemy, rheumatism. Now the absurdity of telling my mother health was a forbidden subject to write upon, crossing what I had written about it, and then letting her know I had an attack of rheumatism, and the cruel kindness of the governor in telling her he will let her know when there is cause of anxiety—that is when I am within a few days of death, as is usual in such cases.

In a previous letter, not wishing to pain my friends by telling them I had been in hospital with a severe chest attack and spitting of blood, as before mentioned, I made no mention whatever of my health. My mother, in reply, says:—

"April 30, '68.—You commence and end your letter without saying a word about your health. Next time you write, commence your letter by letting us know how you are, &c." I did commence my letter as desired by my mother, and it was doctored as above detailed.

My mother's letter of 1st May '69 says:—

"This is my third attempt, my two previous letters being suppressed—one sent back, and the other kept."

The Commissioners can have no adequate idea, no words can convey how we feel when our letters from home do not reach us within a reasonable time. In this case five or six weeks had elapsed since I had written, and I had been expecting a reply for nearly a month. I went to the Governor two or three times and asked him had a letter been received for me. He generally replied, not to his knowledge; but he would have enquiries made, and directed me to see him the following day. I did see him, and he read for me out of a little book. No reply or letter received, or words to that effect. Suspecting the truth was being concealed from me, from the equivocal nature of one of the replies returned by the clerks, and read for me

by the governor, I applied to the governor again, in a few days, for further information, and was told by him, at last, that two letters for me had been received since I was last before him, but as they contained political news he sent them to the directors; that one was sent back and the other was then awaiting the decision of the directors. The governor said nothing about the suppressed letter which the prison authorities have now in their possession. The key to the equivocations in this matter is contained in the governor's private note to what purports to be his reply to my first application requesting the answer to my letter; it is as follows: "Was suppressed (i.e. the answer) by directors, the prisoner not to be informed." The suppressed letter is dated 3rd April 1869, and my first application to the governor respecting it was on the 12th of April following. The letter I was allowed to receive, "being the third attempt," as before mentioned, is dated 19 May 1869. The extracts from the governor's application book furnished to me respecting this matter convey a partial and inaccurate account of my interviews with him. The principal political news contained in the suppressed letter appears to have been the names of the prisoners liberated under the partial amnesty. Note, the letter, conveying political news, was written immediately after the liberation of some of our fellow-prisoners in the spring of 1868, and it was only natural to expect that my mother would have written to me the news of the day upon the liberation, especially as she had been expecting, owing to my delicate health, that I would be liberated soon. Besides, she was allowed to communicate political news upon the same subject across the liberation of my friends, and thought, not knowing the weakness and timidity incidental to prison life, that she might write upon the same subject afterwards.

In my event, I respectfully submit, it was cruel and unnecessary torture to have kept me in ignorance respecting the condition and health of my family, about some of whom I had reasons to be particularly anxious. On a former occasion when Captain Bramley had received a letter for me and had, without letting me know he had received it, sent it to the directors, I told him how much I felt about the health, &c., of my family, and asked him if he recollected how my mother was. He was aware then of the torture of mind he was inflicting upon me when keeping me from the knowledge that letters had arrived for me, and that my family were well. I can truly say that the course of news in the letter, or its receipt a month sooner or later, provided he had told me about my mother and family, would not have been complained of by me. Referring only to the letter suppressed for stating the Secretary of State had refused me the diet he had granted to my fellow-prisoners, &c., I shall leave this subject of letters to the consideration of the Commissioners. We are not allowed to receive or keep even a carte de visite of any of our friends or family. Colonel Thomas F. Bourke wrote to the board of directors for liberty to receive cartes de visite of his mother and family, but they refused to allow him to receive them.

The foregoing facts containing an account of my treatment in the convict prisons of Montjoy, Pentonville, and Wakefield, and extending nearly to a period of five years, have been thrown hastily together by me while sick and suffering in bed. I had no notes, memoranda, or documents of any kind to assist me in placing before the Commissioners the facts and circumstances above detailed. A political prisoner is allowed to keep no written records of his treatment, or records or writings of any kind under pain of the severest punishment if found upon him. His memory must supply the place of written records, though that memory should be gradually supplanted under the depressing influence of continued confinement, sickness, and disease. Prison officials, always at their wits' end to meet the cunning and depravity of the criminals over whom they are placed, and themselves subjected to surveillance and discipline of a demoralising tendency,

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become of necessity callous and demoralised by such treatment, and by the exigencies of their situation, which occasionally and practically exacts cruelty and lying as parts of the conditions upon which they can keep their situation. These men, who never hesitate to tell a lie to save themselves from fine or dismissal, or to do that which they know will please their masters, are allowed to consult the notes, books, reports, &c., written and framed by themselves in their own interests, and to show to the superior officials that they have acted consistently with their rules and orders; while I, in common with my fellow prisoners, have been denied copies of the entries made by the officials themselves in their own books. Some of the documents applied for in the several requisitions have been read by me since the above was written.

In pointing to the treatment received at the hands of prison officials, it would be wrong to overlook the fundamental truth which underlies the whole, and which goes far to account for our exceptional treatment in convict prisons. It is found in the difference morally and politically existing between thieves and political prisoners. When the thief is tried, and his sentence passed, he comes into the prisons built for thieves, and is least amongst the number of other criminals whom he finds there before him. Inside the prison walls he is not persecuted because he was a professional thief outside; he is not punished if he keeps

within the prison rules. The Irish political prisoner, on the contrary, enters the prisons built for thieves accompanied by the most intense and bitterest feelings of hostility. Under the influence of political, national, and religious antipathies the worst passions of the human heart are perpetually quickening into acts of oppression and persecution against him; while the moral feelings of his gaolers are too blunt, too sluggish, or too depraved to persecute a thief as such, their political hatreds and antipathies are being continually renewed against the political prisoner by the actions of his party outside the prison walls. He is punished for his own offence in the past, and for theirs in the present. I said before Manchester and Clerkenwell spoke from the freezing brows of our gaolers.

I have endeavoured to put nothing into the foregoing statement which I conscientiously believed ought not to go to the formation of an accurate and just opinion respecting my treatment in convict prisons. If the facts do not reveal exceptional treatment, it cannot be denied that they were minutely calculated to undermine the health of body and mind. I have no doubt of the gradual destruction of the former. The latter certainly I pray Almighty God to avert.

RHYAN DILLON.

25th June 1870.

D. B. N. S.

DEWE D. MULCAHY, prisoner, recalled.

8179. (Chairman.) Mulcahy, I think you with others sent a letter to the Commissioners dated the 12th of July 1870?—Yes, my lord.

8180. In which you appear to make your submitting written statements to them conditioned on their compliance with certain requests?—Just so, my lord.

8181. The Commissioners sent you an answer to that. That answer, we are told by Captain Hunt, was made known to you?—Yes, Captain Hunt read it.

8182. Intimating that we could not comply with those requests, and that any written statements to be submitted should be sent in by the day we had fixed?—Just so, my lord.

8183. We are here now, and our duty is to ask you whether, the time having passed for putting in any written statement, you are now prepared and desire to make a statement by word of mouth to us?—No, my lord.

8184. You are not. That is your final decision?—That is my final decision. I will make one or two remarks, if you please.

8185. We cannot have remarks. We must have nothing but a statement of complaints?—I do not make a complaint, my lord.

8186. If you have no statement to make on which you have evidence to be called, remarks we cannot hear?—With regard to documents your lordship said I should have.

8187. We are informed that you have had not all the papers that you asked for, but all those papers for which you asked and the production of which the Government sanctioned?—Well, I think I made application on the last day. If your lordship has any objection to my making any remark on this business, of course I cannot go on. I asked on the last occasion—I have it down here—an abstract of the quantity and kind of food I returned, with the dates and the quantity I returned each day; that was refused. An abstract of my weight on reception and on the various occasions that I was weighed; that also was refused. And also another matter, which I think of importance, that is that the application of my friends to see me, which is according to your printed notice and a notice which I understood is also published in the Irish papers, has been refused by the Secretary of State.

8188. We said that we should recommend that facilities should be given for your being visited by your friends or advisers, under such restrictions as

the Government should impose?—Your lordship explained what the regulations were. They were clear. After 10 or 12 days my friend was refused to be allowed to see me. Of course I do not mean to blame the Commissioners.

8189. For what friends did you ask?—Well, a friend of mine, Mr. Hayes, applied to the Secretary of State to see me and he was refused; and I am sure no grounds for refusing Mr. Hayes. Even if there were political grounds for refusing him, which there were not, I think even if there were political grounds, that as he was the only friend that I could procure, he should not be denied.

8190. We said we should recommend that all such facilities as the Government thought fit to afford should be given for the visits of your friends, under such regulations and restrictions as the Government might impose?—I do not wish to take up your lordship's time on the matter.

8191. (Dr. Lynch.) Did you ask for any other friends?—No, Dr. Lynch; for my sister wrote to me that Mr. Hayes would apply to see me. I have my sister's letter so that effect which was handed to me by the Governor.

8192. Did you ask for any one else?—No. I asked for Mr. Butt. I could not address myself to friends outside; after three or four years I do not know their addresses, except the address of my sister.

The Commission deliberated.

8193. (Chairman.) We are here prepared to receive any statement of complaints within your own knowledge which you might be desirous and prepared to make; and therefore I must put it to you, do you or do you not wish to make before us any oral statement of matters within your own personal knowledge, respecting others or yourself?—If you call on me, voluntarily on my own part, I do not wish to make any statement, and for the reasons that I was about to explain to your lordship why I desisted to make a statement, but it might be said, as I would make no verbal statement or written statement, it might be taken that I had no complaints to make. I have very serious complaints to make, and I have my statement here ready. My statement is written now on this matter.

8194. I must ask you again, do you or do you not wish to make any oral statement?—I wish to explain, because it is of importance that it should not go abroad that I have no complaints to make. I have

complaints, but I find fault with the conditions under which I could make these complaints. I consider that I have not been afforded the proper means of proving the accusations that I would make. I consider I have not, and for the reasons that I was about to explain to you. Here I have a few notes.

8194. If it refers to papers with which you have been supplied, we are informed that all the papers you see to have been given to you?—I have no doubt, my lord, that all the papers which you had the power to give me have been forwarded; but I submit that papers which are essential in enabling me to prove the most important portions of my treatment have been withheld, and therefore I cannot feel myself justified in making charges which I could not substantiate without such documents.

8195. That will be regarded as one ground of your declining to make a statement. You have full liberty to state any other ground upon which you decline?—If you allow me to read this.

8197. I understand you to state that you have not received the necessary papers as one ground; what are the other grounds upon which you decline?—Another ground is the publication for the public, not for the Secretary of State alone, that the evidence would not be handed to the public.

8198. To make that clear we shall send the report to the Secretary of State, and the evidence will be placed before him, and we shall distinctly recommend its publication. The decision rests with him?—That is exactly it, my lord.

8199. Malteahy, that is a fact, so we cannot go beyond it.

8200. (Dr. Greenhow.) You were distinctly told that the last time you were here.—Yes so; but if you will allow me to make a remark upon that, you have recommended here that our friends should be allowed to see us, which is a considerably less thing than the publication probably of this report, and the Secretary of State has not allowed it.

8201. (Chairman.) Then that is your third ground?—The publication of the evidence, and that you deny me the assistance of counsel.

8202. Yes.

8203. (Dr. Greenhow.) All that you knew before?—Oh, all that I submitted before. It might be supposed that I was only prolonging your time, but if I were aware on the first occasion of the full power of

The prisoner withdrew.

WILLIAM F. ROASTREE, prisoner, recalled.

W.F. Roastree.

8212. (Chairman.) Roastree, you with others, signed a letter which has been sent to the Commissioners, in which, in reference to a suggestion that you should make a written statement, you have inserted certain conditions, and made your submitting a statement dependent on those conditions?—Yes, my lord.

8213. In answer to that the Commission wrote a letter, which letter I believe was read to you, was it not, by the deputy-governor?—Yes, my lord.

8214. In that letter the Commissioners expressed their opinion that they must decline to accede to the conditions contained in your letter?—I made a request this morning.

8215. Was not that so?—Yes, my lord.

8216. That was so. We are now here, prepared to receive any statement by word of mouth from you which you may choose to submit, but with the understanding that this is the last opportunity that will be afforded to you for doing so. I am therefore now to ask you, are you prepared to make any oral statement to the Commission?—These conditions we mentioned in the letter I consider essential.

8217. Very well?—I made a request this morning, through the Secretary, to the medical gentleman of the board.

8218. If you consider it essential, I can only repeat that we are here, and those conditions cannot be complied with. I should ask you therefore whether you

the Commissioners I would be very sorry to have gone into the matter. D.D. Malteahy.

29 July 1870.

8204. (Chairman.) You will recollect that we felt bound to tell you at first, and more than on one occasion, that we could not allow the presence of counsel during examination?—Just so, my lord.

8205. We told you that anybody might be permitted to come to you beforehand, subject to the approval of the Directors and the Secretary of State, to assist you in preparing your statement?—Also I have not been furnished with the necessary medical documents. I have not received the medical case sheets, that is the medical reports sent by the medical officers of the different prisons to another prison on the removal of a prisoner, describing the disease he suffered from, or had he hereditary tendency to disease; and that where any prisoner is removed, say to any invalid prison, the reasons he was sent, and on what grounds.

8206. These, it has been decided by superior authority, were not to be furnished to you, but to the Commissioners, so that the Commissioners will have them before them, and can examine from them?—They are not to be furnished to me, my lord?

8207. Not to you.

8208. (Dr. Lysons.) They are here for our use, so that we can inquire into anything you state with regard to them?—The case sheets furnished to me simply contain nothing more than the dates, the days on which I have been treated.

8209. (Chairman.) I think I must tell you, Malteahy, that you have received all the papers which, under the sanction of superior authority, it is decided are to be given to you?—Very good, my lord. I consider that insufficient to prove the charges, and that the powers of the Commission are too limited to enable me to substantiate my case.

8210. These will be taken down as the grounds of your declining to make a statement?—Yes, my lord, that the press was not admitted, and that I was not allowed the assistance of counsel. You asked me a question whether I wished to make a statement with regard to anybody else. I do not wish to make any statement with regard to myself; but if you call me as a witness it is another thing altogether. If you wish me as a witness to corroborate the statement of any other prisoner that is another question.

8211. If we find it necessary we shall do so. You can withdraw if you please.

8212. My case is a very peculiar one. I would wish to do so, because I did formerly make a statement to the Secretary of State, and after I drew it up I must not hope it would go, the governor said.

8213. I ask you again, do you or do you not intend to make an oral statement?—I have it written, and here with me, which I mean to read for you.

8214. You were told that your written statement should be sent in by a certain day?—This is merely notes of what I intended to read for you from the first, not to lay before you as a statement.

8215. You were told that your written statement should be in by the 15th?—But I do not mean to leave this statement with you, but to make an oral statement from this.

8216. Has it reference to your treatment?—From the first; reference to my treatment from the very first.

8217. On the matters within your knowledge?—All with my own knowledge.

8218. (Dr. Lysons.) What extent does that paper go to?—The past four years.

8219. What is the length of it?—Fourteen sheets; it is written large, not clear.

8220. (Chairman.) We cannot permit you to read it as your written statement, because it should have been sent in to us by the 15th; but if you will make

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an oral statement, and wish to illustrate it by quotations from that, you can do so?—I will read this through, and answer any questions you ask me as it goes. 8227. The Commission has considerable doubt, because the rule was laid down strictly that it should have been sent in by the 15th. However, as you say that you mean to use it as illustrating your oral statement, we think that the shortest course would be that you should hand it in. We will have it printed. You shall have a printed copy of it for your information, and then we shall call at a future day and examine you upon it?—I made a request this morning, my lord, through the Secretary.

8228. What do you say to that course?—I would much prefer reading it, my lord.

8229. No; the Commission has decided that we must have it printed first, and then examine you upon it?—I suppose I have no other alternative than to submit it, my lord.

8230. But as you have kept it back until to-day we can only now receive it and have it printed, and examine you on it at a future day?—I have great objection to handing anything to the prison officers sealed or any other way.

8231. It would pass out of the hands of the officers to the Commission.—(The prisoner hands in his statement.)

8232. You wish to say something else?—I made a request this morning to be examined by the medical gentlemen of the Commission.

8233. I am not in a position at present to give you an answer. We have it before us. It is in our hands?—And these statements I consider necessary, the statements that I have already written to the Secretary of State and Board of Directors. I got them, but they were taken from me again. I would wish to submit those two statements along with this to the Commission.

8234. Who took them from you?—The clerk came and said he was sent by the deputy-governor to take them from me.

8235. (Mr. Bradrick.) What statement are you

The prisoner withdrew.

J. Evelyn.

JAMES INLIFY examined.

8236. (Chairman.) Did you about the 19th of this month apply to the treason-felony prisoner Rosentre for certain documents?—On the 19th, sir? I do not know the date, but I was authorised by Captain Harris to go to the prisoners and to collect from them the statements and petitions that had been issued to them. I am not aware whether it was on the 19th or not.

8237. Acting on those instructions that you received from Captain Harris did you go to Rosentre?—I went to all the prisoners, sir.

8238. Do you know Rosentre by sight?—Yes, sir.

8239. You think he was one of the prisoners that you went to?—I believe he received a petition or a statement.

8240. You believe that you received them from him?—I believe they all had either a petition or a statement.

8241. (Mr. Bradrick.) Do you recollect your interview with the prisoner Rosentre?—Not particularly more than any of the others.

8242. (Chairman.) You believe that you received from the treason-felony prisoners all the papers you had previously given them?—Not all; only the petitions and statements.

The witness withdrew.

J. Murphy.

JOHN MURPHY, prisoner, recalled.

8243. (Chairman.) Murphy, the Commission think it right to see you once more, in order merely to ask you whether you wish and desire to make any oral statement to them?—Any written statement, sir?

8244. Any statement by word of mouth?—Well, I

speaking of?—That first statement that I wrote an my treatment to the Secretary of State in August 1867.

8245. Was that statement furnished to you?—A copy of it was furnished to me for a few days, but the clerk came and told me that he was authorised by the deputy-governor to take it.

8246. When did he come to you for it?—On Tuesday last, sir.

8247. (Chairman.) We will ask about it?—The other statement is to the Board of Directors, in January 1869.

8248. Had you a copy of that also?—I had the original of that.

8249. Was that taken from you in like manner?—It was taken from me, my lord.

8250. We will ask for them?—They were taken away on the 19th of July 1876.

8251. They were for your use until the 15th, and after the 15th they were taken away?—I meant to read them as part of my verbal statement.

8252. We will get them and consider them in connection with this paper?—The one to the Secretary of State I had written I was told might go to the Secretary of State.

8253. (Dr. Lyons.) By whom?—By the Governor of this prison.

8254. When?—When he read it.

8255. Did it go?—It did not go.

8256. Did you get a reply?—They gave me the stereotyped reply "no grounds" some short time after.

8257. (Mr. De Vere.) When those papers were taken from you, were any other papers taken also at the same time?—No, sir; no other papers.

8258. Were those two papers the only papers that you had obtained?—I had some other papers.

8259. You had also obtained medical case sheets?—Yes.

8260. They were not taken from you?—No, all the other papers I have still.

8261. Were those two papers specially demanded from you?—Yes, sir.

8262. Has the governor in his possession a letter to the Secretary of State from Rosentre dated August 1867, and a letter to the directors dated January 1869?—I am not aware that he has, sir.

8263. What did you do with the documents that you received from the prisoners?—I believe they are in the office now.

8264. Did you give them to the governor, or keep them in your custody?—I kept them in my own custody.

8265. Will you take a note of those; a letter to the Secretary of State, August 1867 from Rosentre, and a memorial or complaint to the directors dated January 1869 from the same prisoner. Will you go and see if they are in the office, and if so bring them here?—Yes, my lord. (The witness withdraws, and returns with two documents.)

8266. (Chairman.) These are the two?—Yes, my lord.

8267. Do you hand in the documents just referred to?—Yes, my lord. (Witness hands in the documents.)

8268. These are the documents which to the best of your belief you received from the prisoner Rosentre?—Yes, my lord.

The witness withdrew.

tory where there was four prisoners, and I see them all laughing at each other. I couldn't make out what it was all about, and the officer that was cutting my hair. I didn't know what it was until afterwards when we used have to shave, I got a glass, and the hair was cut in nearly as close as if it was shaved; couldn't go closer with the scissors. Then there was a man named Tom Cooper, the same night, his hair wasn't cut so close as mine was, and I seen that man afterwards with sore lumps in his throat and he couldn't swallow nothing, and he was taken to the hospital and he died of that cold, sir, and my hair was cut closer than that was.

8269. Your allegation is that your hair was cut too close?—Yes, sir.

8270. Who cut it?—Mr. Scrimmell here, sir.

8271. Is he here now?—He is, sir.

The prisoner withdrawn.

FRANK RYAN, prisoner, recalled.

8276. (Chairman.) Ryan, we had an opportunity of hearing your statement before; we are anxious to know from you whether, in addition to what you stated to us on a former occasion, you desire to make any further statement to us now by word of mouth?—I think, my lord, that in my last meeting with you I quite forgot to mention what Chief Warden Mr. Allison said to me.

8277. When did he say anything to you?—On the 13th of August last, my lord.

8278. The 13th of August '99?—Yes, my lord, Chief Warden Allison.

8279. What did he say to you?—At the time that I was reported, at the time for making objection to the soap, he told me that I was here on quite a different charge from that of treason-felony.

8280. (Mr. Bradick.) That was last year, was it?—Yes, sir.

8281. (Chairman.) Did he say anything more?—No, sir; only just as I have stated before.

8282. (Mr. Bradick.) Were you convicted of treason-felony?—I was convicted under the charge of treason-felony, sir.

The prisoner withdrawn.

EDWARD POWER, prisoner, recalled.

8290. (Chairman.) Power, you with others wrote a letter to the Commissioners on the 13th of July?—Yes, my lord, I did.

8291. In which you stated certain concessions which you thought should be complied with as a condition to your making your statement. The Commissioners sent you an answer, in which they stated that they could not comply with those conditions, and that you must make up your mind as to making any statement accordingly, and that a written statement, if submitted, should be sent in by the 15th. Now the 15th is past, and we have now come here, as we told you in that letter we should, for the purpose of knowing

The prisoner withdrawn.

Dr. CAMPBELL recalled.

8293. (Chairman.) Doctor Campbell, we want specially now to ask you what the present state of Richard Burke is in your judgment?—I think, my lord, he has undergone very little change. He is a little improved since your lordship's last visit.

8294. We understand that he is now able to take exercise?—Yes; he goes down occasionally.

8295. Down to the yard?—To the yard.

8296. As regards his desire to undergo an examination and answer any questions that may be put to him, how do you think he is now?—I think he might be tried, my lord.

8297. You think he is in a state more favourable for examination now than he was when we saw him?—Yes, my lord.

The witness withdrawn.

8272. What time of the year was it?—Winter time, sir.

8273. In what year?—'66, or '67, sir, I can't say which, sir.

8274. Have you anything else to say to us?—I'd like to know, sir, if I haven't authority to ask what I'm going to ask you, I won't ask for anything, sir, as a favour. I'll ask for nothing. All I want is what I consider is right, what the moment, what the worst criminal in the prison is entitled to. I was used two names, March '66, a great part of the day, the jury disagreed, I was thrown back for another trial, four months and 10 days altogether, till the 17th of July. I want to know if I am entitled to those four months and 10 days.

8275. You mentioned that to us before. We cannot give you any opinion on it. It rests entirely with the Secretary of State?—If I ain't my right I wouldn't ask it. I won't ask for anything, sir.

The prisoner withdrawn.

8283. And of nothing else?—Of nothing else, sir. He distinctly told me that I was not a treason-felony convict; that it was quite a different charge.

8284. (Mr. De Vere.) Did he tell you what you were convicted of?—No, sir; he did not.

8285. (Dr. Lyons.) Why did you take offence at that, or make it a cause of complaint?—I think, sir, that it was an offence to me at the time.

8286. Why did you think so?—Because, perhaps, that he wanted to make me a thief, or something else.

8287. (Chairman.) We will ask how it was. You have nothing else to say to us, have you?—No, my lord, I have not.

8288. Then you can withdraw?—I think—pardon me, my lord, a moment—I think I made a remark with regard to my examination by the medical men on the Commission. I would wish to be examined by them.

8289. Well, I cannot give you any answer on that application at present. If we can give you any answer you shall hear it at a future day, but we cannot give you any answer at present.

The prisoner withdrawn.

whether you desire and wish to make an oral statement, that is a statement by word of mouth?—My lord, you have my answer in that document. I may add in explanation that I have a statement, if you could read the conditions, something between 30 and 40 pages, and I have complaints to make of a most serious character. Although I am done with the Commission now, it is not through any want of respect to the members of the Commission, some of whom I know by reputation—your lordship and Mr. De Vere.

8292. We may take that as your final decision?—Yes, my lord.

The prisoner withdrawn.

Dr. CAMPBELL recalled.

8298. (Dr. Greenham.) Could he come here?—Oh, perfectly well. His bodily health is improved.

8299. (Dr. Lyons.) Do you think it safe to bring him here?—I do not see any obvious danger. If he gets excited it is best to remove him at once.

8300. (Chairman.) Would it, or would it not, be desirable that somebody, such as yourself, should be present when the questions would be put to him?—I think it would, my lord.

8301. (Dr. Lyons.) With whom is he most docile?—Thomas Burke is his great friend. The officer in charge of the ward could bring him in.

8302. (Mr. Bradick.) Is the man now in charge of him on good terms with him?—Perfectly good terms.

The witness withdrawn.

T. Burke.

12 July 1870.

THOMAS BOURKE, prisoner, recalled.

8303. (Chairman.) THOMAS BOURKE, you have sent for me again, because we are anxious to see Richard Burke, and we are told that you are a friend of his, and that you have influence over him, and therefore we thought it more likely that he would answer any questions we might put to him, or at any rate feel more content, if he had you in the room at the time?—Yes, my lord.

8304. You are intimate with him, are you not?—Yes, my lord, I am very intimate with him.

8305. You can stand by?—Pardon me, I scarcely think there is any use in asking him questions; however, you can see. (The prisoner stands aside.)

RICHARD BURKE, prisoner, is sent in.

8306. (Chairman.) Sit down?—(Burke.) Oh no.

8307. You had better sit down?—No, no.

8308. Very well, if you like to stand, you may. What we want to know is, whether you have anything that you want to say to us?—What?

8309. Is there anything that you like to tell us about the way in which you are treated here?—(No answer.)

8310. We see all gentlemen commissioned to come and inquire into the mode in which you and others are treated, and we wish to know whether you have anything to say to us?—(No answer.)

8311. We wish to know whether you have plenty to eat?—No, no.

8312. You have not plenty to eat?—(No answer.)

8313. What would you like more than you have now?—Oh, lots of things.

8314. Lots of things; tell us some of them?—I want food; good food.

8315. Is the food bad that they give you here?—Hum.

8316. What is there bad that they give you here? Is it the meat, or the bread, or the gruel? What is it?—(No answer.)

8317. Can you not tell us?—What's what?

8318. What is it that is bad? What have you to complain of in that way?—(No answer.)

8319. Do they give you good bread?—I don't have any bread.

8320. You do not have any bread?—No.

8321. Do they give you good broth; good meat?—Hum.

8322. Do they give you good meat. Is the meat pretty good?—Oh, I don't care about such things. This damned stuff.

8323. Have you got a pretty good ball?—(No answer.)

8324. Why, you look better than when I saw you before?—I am quite well.

8325. You look much better. You were not able to walk then. Are you able to go out now?—What?

8326. You have been taking a walk to-day?—I am not sure.

8327. You are not sick, I am very glad to see?—Hum.

8328. (Mr. Bradrick.) Is there anything that you would wish to say to us. We do not wish you to say anything you do not desire, but if there is anything you wish to say, we are willing to hear it?—To say to you?

8329. Yes.—Hum.

8330. It is our duty to hear anything that you may wish to say?—(No reply.)

8331. (Chairman.) Do you know who we are?—(No answer.)

8332. I told you not long ago who we are, and what we are here for?—Hum.

8333. Who are we? Do you know what we are come for here?—No friends of mine.

8334. You have seen us before, once?—No friends of mine.

8335. We want to do good to you?—I never lose sight of a face that I once see.

8336. You do not recollect our faces?—What?

8337. You do not recollect ever seeing us before?—(No answer.)

8338. Did you ever see this gentleman before (Pointing out Dr. Lyons)?—No friend of mine.

8339. Have you ever seen that gentleman before (i.e. Dr. Greenish)?—I don't care about him. Those—

8340. (Dr. Lyons.) Have you any complaint to make of the medical treatment you get in this prison?—I don't want anything at all with the doctor. I don't want anything to do with them, in the smallest trifle.

8341. With the doctor?—With no doctors.

8342. Have you any complaint against the doctor?—They all hate me, every one of them; doctors, they all do.

8343. Why do you think that?—They hate me.

8344. Why do you think that?—Damn it man, I know it.

8345. What do you know?—But I know it.

8346. (Chairman.) What makes you know it?—I know it (struggling with his feet impatiently).

8347. (Dr. Lyons.) What makes you think they hate you?—But I know it.

8348. If you tell us any reasons why they hate you or neglect you, we will try and get them rectified?—(Prisoner walks about.) I want water.

8349. Will you have that? (Pours water into a glass.)—No, no, (turns to a washstand in a corner of the room,) by-and-by. I want water.

8350. Is there any complaint that you have to make against any doctor or prison officer to us?—(No answer.)

8351. We are here to do you good; and if there is anything wrong done to you we will try to have it rectified?—(Prisoner walks about making guttural sounds.)

8352. Do you wish now to make any statement to the Commission, of anything that has been done wrong with regard to you?—Wrong?

8353. Yes?—(No answer.)

8354. Do you remember how long you are in this prison?—Of course I know all about everything about me.

8355. Could you tell me what prison you are in now?—My God Almighty! Do you suppose I am a child, man, that I don't know those things?

8356. What is the name of this prison?—What?

8357. What is the name of this prison?—The name of this prison?

8358. Yes?—Oh, I know all about that.

8359. How many prisons were you in all altogether?—Hum.

8360. How many prisons were you in, in this country, altogether?—Oh, I don't care about those things. I don't care about those matters. Those things don't trouble me a damn bit. I don't pay attention to those trifles. They are not important; quite unimportant.

8361. Do you now wish to make any complaint against any person in this prison, that the Commission may enquire into it?—You want me to make complaints?

8362. Yes, we want to know if you wish to make complaints against any one in this prison?—Complaints?

8363. Yes, of any ill-treatment or want of care by the doctor, the governor, or anybody else?—(No answer.)

8364. What room are you in in this prison?—What room am I in?

8365. What room are you in in this prison?—What room am I in?

8366. What room do you sleep in in this prison?—Do I sleep in?

8367. Yes?—What room do I sleep in?

8368. Exactly?—Oh, yes; I sleep with—sleep with

—sleep; I am just like all the others, man. I am just like all the others.

8322. Are there any persons sleeping in the same room with you?—Oh, I don't care about those things at all.

8370. Do you not understand the question I put to you?—I don't care about those things.

8371. Who else sleeps in the same room with you?—*He's (Looks around.)*

8372. Here is water?—*(No reply.)*

8373. *(Dr. Greenhow.)* You are an Irishman?—I am an Irish republican.

8374. What part of Ireland do you belong to? What part of Ireland do you come from?—*(No answer.)*

8375. Are you from Cork, or Dublin, or where?—*He's.*

8376. Do you come from Cork?—Do I come from Cork?

8377. Yes, are you from Cork?—*(Lifts a glass of water and puts it back again.)* No, I want my own drinking things.

8378. Wait a minute and you shall have them. Do you come from Cork?—From Cork?

8379. Yes, do you come from Dublin? Are you from Dublin or from Cork?—Damn it, man, I don't care about those things.

8380. Can you not answer a civil question?—I am civil; I am civil. I am always civil.

8381. Just so. Then can you not give an answer. Are you from Dublin or from Cork?—Who are you?

8382. You have been told who I am. I want to know where you are from?—And who are you? I am as big a man as you.

Richard Burke and Thomas Burke withdrew.

WILLIAM THOMAS ALMON examined.

8386. *(Chairman.)* You are the chief warder of this prison, are you not?—Yes, my lord.

8387. How long have you been here?—Varying on 19 months, my lord.

8388. You came, I think, from Chatham?—I did, my lord.

8389. How long were you at Chatham?—Twelve years; this time 12 years, my lord.

8400. Before we go to the main point on which we wish to examine you, I will ask you a few questions. The prisoner Patrick Ryan, who has been here before on this afternoon, says that on the 18th of August 1859 you told him that he was here on a different charge from that of treason-felony. Was that so?—No, sir; no, my lord.

8401. What took place?—I believe my words were, so far as I can tell, that he was not to be treated—he made some complaint, and I told him he was not to be treated or considered the same as the other treason-felony prisoners. He was not associated at the time, my lord, with them. He was not treated in any manner the same.

8402. Was he treated in the same way as an ordinary prisoner?—As an ordinary prisoner, my lord.

8403. On what ground was it that he had not been treated as an ordinary treason-felony prisoner?—I am unable to answer that question, my lord.

8404. It was by direction?—By direction; yes, my lord.

8405. Of the higher authorities?—By direction of the higher authorities.

8406. He is now treated as one of the treason-felony prisoners?—He is, my lord.

8407. Do you know at what time that observation took place?—I do not, my lord. I have not the remotest idea, but I recollect the conversation.

8408. You cannot tell us was it after August 1859 that he began to be treated differently?—I cannot, my lord.

8409. Can you tell us in what respect he was treated differently after a certain date?—He was associated with the treason-felony prisoners after a

8383. I dare say you see?—And I am as important, and I am as intelligent.

8384. I just want to know where you come from?—*(No answer.)*

8385. I have no objection to tell you where I am from. I come from London?—Sit down. I will know all about you, sir. *(Prisoner hands a chair to Dr. Greenhow.)*

8386. Put questions to me; I will answer. My name is Greenhow. Now put to me any questions you please?—No importance.

8387. I will tell you anything you like?—I don't care a damn, sir.—*(Impetuously.)*

8388. *(Mr. De Vere.)* I do not like to trouble you, but if you allow me I will ask you one or two questions. Do they allow you to write letters to your friends?—No!

8389. Do they prevent you from writing letters to your friends?—I have no friends.

8390. You have no friends that you wish to write to?—I have no friends at all.

8391. *(Dr. Lysaght.)* Would you like to say anything about yourself?—*(No answer.)*

8392. *(Chairman.)* Do you wish to say anything to us?—*(No answer.)*

8393. *(Dr. Lysaght.)* That is Lord Devon. Do you wish to say anything to him before you go?—*(No answer.)*

8394. He will treat everything you say with great consideration and kindness?—*(No reply.)*

8395. *(Chairman.)* Would you like to say anything to us?—No.

certain date, and after a certain time I believe he received the same treatment.

8410. As the other treason-felony prisoners?—As the other treason-felony prisoners, my lord.

8411. Then up to that time whatever it may be, from the period of his entering prison, he had been treated like the prisoners here on other charges?—Just so, my lord.

8412. During the time that you were at Chatham as principal warder, were you in charge of the penal code?—I was, my lord.

8413. Were you in such charge during the months of June, July, and August 1858?—Yes; yes, my lord.

8414. Do you recollect in June receiving instructions from the then Deputy-governor, to put the prisoner O'Donovan Rossa in irons?—Yes, my lord; I believe; yes, yes.

8415. Do you recollect on what day it was?—No, I do not, my lord.

8416. What was the offence for which he was ordered to be put in irons?—I believe, to the best of my knowledge, it was for an assault on the governor.

8417. An assault on the governor?—I think so. I could not speak positively, but I believe that to be the offence.

8418. Can you tell us the words in which the order was given to you?—Well, I really could not exactly, my lord, speak positively as regards the exact words. I was ordered in the ordinary manner to put the prisoner O'Donovan Rossa in irons.

8419. What did you do in consequence? Was there any mode specified in which you were to put on the irons or handcuffs?—To the best of my belief, my lord, it was to "put him in handcuffs behind."

8420. Do you think those were the words used?—Well, I believe so, my lord; I could not speak positively, but I believe on that occasion it was.

8421. You think the order was to put him in handcuffs behind. What did you do in consequence as getting that order?—I carried out the order, my lord, to the best of my ability.

T. Beebe.

22 July 1870.

W. T. Allen.

W. T. Allen.

12 July 1872.

8422. You had him put in handcuffs behind?—

Yes.

8423. You cannot tell me what day of the month it was?—I cannot, my lord.

8424. Did you put him in handcuffs behind more than once?—Not to the best of my knowledge, my lord.

8425. What?—Not to the best of my knowledge.

8426. Are you able to tell us, whether in your absence anybody else would have him put in irons?—They would if they received orders, my lord, the warden that I had under me. My time was greatly occupied as (photographing). I was not all the time there, my lord.

8427. Who was next in command to you?—Warden Alfred Brown would be next senior to me, my lord.

8428. He is now at Parkhurst, I believe?—I believe he is, my lord.

8429. Can you tell us whether O'Donovan Rossa had the handcuffs behind any other day after the first day?—I believe he had, my lord, but I could not speak positively; I believe he had.

8430. You believe he had, but you cannot tell how many days?—I could not, my lord. The question was once put to me before.

8431. Was it put by Messrs. Knox and Pollock?—No, by Captain Stephens.

8432. Your impression is that it was more than one day, but you cannot say how many?—I cannot, my lord.

8433. You have no recollection then of having seen him after that with handcuffs behind?—I cannot say, my lord, behind him. I have seen him handcuffed in front.

8434. Had you many instances before of men handcuffed behind?—Not many, my lord.

8435. You have had some?—I had.

8436. You are unable to give us any definite information as to any day after the first?—I am not able.

8437. Except that one day, is it your impression that you have seen O'Donovan Rossa in handcuffs behind some other days?—I believe he was more than one day in handcuffs behind, but I do not think to the best of my knowledge, my lord, that he was more than three days in handcuffs behind.

8438. You say that from your own observation?—Yes, my own judgment, my lord.

8439. From your own observation, you do not think it likely he would be more?—I do not think it likely he would be.

8440. You have no other means of determining?—I have not, my lord.

8441. (Dr. Lyons.) Do you believe he was in handcuffs three days?—I believe he was more than one day. I cannot say positively whether the order was given for three days when I was ordered. I believe it was Captain Hardy that gave me the order through Captain Harvey, to put him in handcuffs in his cell. We should not think of keeping him more than three days without further orders; 72 hours is the ordinary time applied for irons, and I do not think that in full, because we were so particular.

8442. Is that the limit to handcuffing at all?—That is the limit, 72 hours in irons.

8443. In cases wherein you had seen men handcuffed behind previously, how long would they have been kept so?—Sometimes 12 hours, or 24 hours, or 72 hours, according to the governor's directions.

8444. Have you any instance in your recollection in which a man was kept in handcuffs behind 72 hours?—I believe I have. They would be brought to the front and manacled. He would be relieved during meal hours, and he would not have them by night.

8445. (Dr. Greenham.) Is there such a book as the separate cells books?—There is, sir.

8446. Who keeps it?—Well, the warden, sir.

8447. Did you keep it?—I did, part of the time, sir.

8448. Will you kindly tell me if this is your writing?—No, sir.

8449. Whose writing is it?—The warden, Alfred

Brown, to the best of my belief that is his writing there, sir.

8450. (Dr. Lyons.) What date is that?—June the 17th, sir.

8451. (Dr. Greenham.) Is that your writing?—No, sir.

8452. Is that your writing?—That is my writing.

8453. There is an entry here, "J. O'D. Rossa, handcuffs removed." Do you recollect whether they were put on in front or behind. That is on Thursday, June the 18th?—I cannot.

8454. You observe here, that on the 17th of June, it is stated, "J. O'D. Rossa placed in handcuffs behind, by order of the governor."—Yes, sir.

8455. You observe here "handcuffs removed from behind by order of the governor, 7.30 p.m." You observe the following date, "J. O'D. Rossa replaced in handcuffs by order of the governor." Is it your opinion, looking at that entry there, that when the following morning the handcuffs were replaced, they were put behind or in front?—I think it quite likely they were placed behind.

8456. You think so?—I think so.

8457. You think as far as you can judge that that would be the case?—I think so.

8458. And here the same evening "handcuffs removed at 7.30?—Yes.

8459. The following morning, "Friday the 18th of June 5.45." You observe "J. O'D. Rossa handcuffs replaced." Now do you think to the best of your judgment, that on that day, Friday the 18th of June, the handcuffs were put on at that hour in the morning behind or in front, looking at what is stated in that entry there?—Quite likely, sir, behind.

8460. You think it quite likely?—Quite likely.

8461. You think therefore that the order to put him in handcuffs behind on the 17th, would be continued and go on until the order was countermanded?—Yes, sir, for three days.

8462. That is your deliberate opinion; it would go on until the order was countermanded?—Yes, sir.

8463. If I tell you that he was kept in handcuffs, not for three days, but for a great many days, and that the same entry appears 35 days, namely at 5.45 in the morning, as you see there, on June 20th "J. O'D. Rossa, 5.45 in the morning, handcuffs replaced," and again in the evening at 7.30, "handcuffs removed," and so on day after day; do you think it likely the order you received from the governor having directed that the handcuffs should be placed behind, and on all those days there being no other entry, that in all probability the handcuffs were put on behind?—I should not think they were such a length of time, sir; not for a month, sir.

8464. (Chairman.) What do you say?—I never saw such punishment carried on, sir.

8465. But you think that for three days they must have been behind?—Yes, my lord, I do.

8466. (Dr. Greenham.) There is the same entry day after day. There is no difference. The first day they are ordered behind, and the following day the entries are "handcuffs replaced," and "handcuffs removed," day after day. (No reply.)

8467. (Chairman.) The reason you do not think it might have been continued for 30 days is, that you never saw such punishment imposed?—I did not, my lord.

8468. (Dr. Greenham.) Is that your writing?—No, sir.

8469. Is that your writing?—No, sir.

8470. Is that?—No, sir.

8471. Who do you suppose put the handcuffs on these days?—Well, sir, Warden Brown, as usual in my absence would go round and see it done; or it might be Douglas. I had several assistant wardens at the time.

8472. (Chairman.) Craxton was one?—Yes, my lord.

8473. Good?—No, I do not think I had Good; it was only a casual evening or some thing of that kind.

8474. (*Dr. Greenhow.*) Whose writing is that?—Warder Alfred Brown, sir.

8475. I see that writing repeatedly, but it is not yours?—No, I believe it to be Brown's, sir.

8476. Show me some of your own writing in this book?—Here is my writing, sir.

8477. That is your writing?—Yes, sir.

8478. You wrote that: "Jeremiah O'Donovan Rossa, handcuffs removed"?—Yes, sir.

8479. That is dated the 18th of June?—Yes, sir.

8480. Do you think you removed the handcuffs that day?—No, I do not think I did. I might have done so.

8481. How did you come to make the entry in this book?—Because it was brought to me by the officer, sir.

8482. How does the officer communicate it to you?—Verbally, sir.

8483. He tells you that the handcuffs were removed, and you write it down?—Yes, sir.

8484. This is your handwriting on the 16th of July?—It is my handwriting, sir.

8485. Is that your handwriting on July the 18th?—No, sir.

8486. Is that yours?—No, sir. That is Crockett's, sir.

8487. Whose handwriting is that on the 20th of July?—Mine, sir.

8488. July the 20th, that is your handwriting?—Yes, sir.

8489. (*Chairman.*) Was Marshall a warder there?—Assistant warder, my lord.

8490. (*Mr. Brodbrick.*) Do you recollect O'Donovan Rossa's being put in irons with his hands behind his back the first time?—Yes, sir; to the best of my knowledge.

8491. Was that on the day on which the assault was committed or not?—That I am unable to say positively, sir.

8492. Can you not recall whether it was immediately after the offence being committed?—It was not immediately after, sir. The offence was committed in the morning. I was upstairs photographing and when I came down, I said to Warder Brown, "What is all this mess outside O'Donovan Rossa's cell?" He says, "O'Donovan Rossa, emptied the contents of his chamber in the governor's door."

8493. Was it soon after that when you were ordered to confine him with his hands behind his back?—To the best of my belief, sir, it was that evening.

8494. You think it was that evening?—I think it was, sir, but I won't be positive.

8495. Are you clear whether it was that day or the following day?—I am not, sir.

8496. Do you remember his being brought before the deputy governor for that offence?—I should think it is quite likely that would be done, but I cannot clearly remember it.

8497. Let me ask you this: supposing, as you think was the case, that the irons had been kept on him for three days in the manner described, that is, with his hands behind his back, only not during the night, or during meals; supposing that had gone on for three days, would the warder be justified in altering that, and handcuffing him with the hands in front, without a specific order to that effect from the governor?—No, sir.

8498. And would it not be the duty of the warder, if he made a change of that kind, to record it in that book?—He should have done so, sir, I think.

8499. So that at first sight it would appear from its not being recorded there otherwise, that he continued to be handcuffed in the same way?—It would appear so.

8500. Did you ever see O'Donovan Rossa exercised during this time that he was handcuffed?—Yes, sir.

8501. Can you recall whether his hands were before him or behind him, at exercise?—I cannot, sir. I should be only too ready, I feel annoyed that I am unable to speak positively.

8502. (*Chairman.*) Were you in the same yard

with him when he was exercising?—I might pass. I never went to the exercise. I would pass and hold up my hand, "All right."

8503. (*Mr. Brodbrick.*) During the period that he was handcuffed, did you perceive any acts of violence on his part?—There were so many acts of violence that I am unable to say positively whether it was them.

8504. You do not recollect whether he made any reference to the handcuffs, for instance, being put on?—I did not, because I do not know that I changed them or replaced them.

8505. Did not you yourself finally take off the handcuffs? It is not you that took them off when they were ultimately removed?—That I am unable to say, sir. That I am quite unable to say, there are so many things in the service, and it is done such a length of time. No, I am quite unable to say whether I did take them off or not, the last time.

8506. Then it would be no use to ask you whether his hands were then tied behind. When you say that 72 hours is the proper time for the irons to remain on, do you mean that if a man was ordered to be handcuffed a warder would handcuff him and repeat the handcuffing for 72 hours without fresh orders?—Yes, sir; 72 hours he is placed in handcuffs, that is the order.

8507. Except the time for meals?—Yes, sir.

8508. And that order you think would equally apply whether the handcuffing were in front or behind?—I think so, sir.

8509. (*Mr. De Vere.*) Dr. Greenhow, would you be good enough to refer to the entry of the 17th of June and read it as you have the book.

8510. (*Dr. Greenhow.*) The entry on the 17th of June is, "8.20 a.m. J. O'D. Rossa placed in handcuffs behind, by order of the governor."

8511. (*Dr. Lyons.*) Allson, you heard that read?—I did, sir.

8512. Is that the ordinary form in which a transaction of that kind would be entered in that book?—It is, sir.

8513. You say that the authority of that would last for 72 hours?—72 hours, sir.

8514. At the end of 72 hours, if the punishment was to be continued, would a fresh order be requisite?—It would, sir.

8515. Ought that fresh order to be entered in the book?—It should I believe, decidedly.

8516. Ought it to be entered on the same form in which the order is made, stating that it was done by the authority of the governor?—Yes, sir.

8517. Will you be so good as to look at this book at the next entry with regard to O'Donovan Rossa, after the 72 hours had expired, that is on the morning of the 20th. The entry is, "J. O'D. Rossa, handcuffs replaced." Do you perceive that in what has just been read to you there is no reference to the authority of the governor?—None whatever I see, sir.

8518. Then if after the expiration of the 72 hours this represents a new or a renewed order, is it not informal as not containing a recital of the governor's authority?—It is, it should have been entered, sir.

8519. Do you or do you not collect from that that the handcuffs were continued to be put on after the expiration of the 72 hours without a formal order, with the governor's authority?—According to that, sir, it is.

8520. You have a long experience of prison discipline?—Yes, sir.

8521. Now, taking your experience, would you or would you not say from that book, if you found day after day for a number of successive days, that the handcuffs were renewed, put on in the morning, taken off at night, and that no reference was made to any authority of the governor, would you not conclude from that that the continuance of the punishment was without any renewed authority on the part of the governor?—Of course I am an experienced person, sir. Of course I would think so, but at the same time as it is remarked there the governor might have given it every 72 hours and have them replaced.

8522. Warder Brown an experienced man?—

W. T. Allson.

22 July 1890.

W. T. Allen.
22 July 1923.

He was a man I should think, sir, of—I am unable to say, sir, but I should think eight or nine years.

8523. During the period of 35 days, succeeding the 17th of June, some of those articles were made by Warder Brown, and some of them by you?—Yes, sir.

8524. Now if you were to be told that in not one single one of those articles was there any reference whatever to any renewed order, or to the authority of the governor, would you not conclude from that that the original order was allowed to be carried on without any formal renewal?—True, sir. It would appear so to anyone.

8525. And the original order was to have the hands handcuffed behind the back?—I believe so, sir; the original order was to have the hands handcuffed behind the back.

8526. "17th. J. O'D. Ross placed in handcuffs behind by order of the governor?"—I believe that would be wrong in itself, sir, "by order of the governor," for I do not believe Captain Powell was there. I know it was the deputy-governor I received the order from. I am almost convinced it was from Captain Harvey who was then in charge.

8527. (Mr. De Vere.) By "governor" there is meant the chief man in authority?—Yes, sir.

8528. You were asked whether there had been any change of insubordination during the period while O'Donovan Rossa was kept in here. Do you recollect whether there was or not?—To the best of my belief, sir, the cloths were smashed, the windows were smashed, the bell-handle broken, the grating of his cell window smashed out; several things, sir.

8529. Did not all these outrages occur on one or two occasions in which a number of desperate sets were committed together, as for instance he might on one occasion break the window of his cell, the bell-handle, and two or three articles all the same day?—So he did, sir.

8530. By the periods of outrage can you say how many days he misadvised himself during the period he was in here?—I cannot, sir.

8531. Were they all reported?—To the best of my belief, sir.

8532. Then we may conclude that if we do not find reports in this book?—No, it would not be noticed there, sir. It would not be noticed in that book.

8533. In what book would it be noticed?—In the chief warden's report book, sir.

8534. Any insubordination that occurred would be entered there?—Yes, sir.

8535. Those were the hands that actually put on and took off the handcuffs from day to day?—I believe, sir, that I had at that time Assistant Warden Marshall, Assistant Warden Douglas, Assistant Warden Hibbard, and Warden Brown, and to the best of my belief Warden Cranston.

8536. Was Assistant Warden Douglas the man whose hands generally, actually took off and put on the handcuffs?—That I am unable to say, sir.

8537. (Chairman.) Do you know where Douglas is now?—I am not aware, my lord.

8538. (Mr. De Vere.) Are you aware that he has left the prison service?—I have heard he has. I know the man well.

8539. Has he been dismissed?—No, I heard that he resigned.

8540. Are you aware whether he ever gave any evidence on this point of the ironing of O'Donovan Rossa?—I believe he was called in about the same time as I was down here to the best of my belief, and spoke to him.

8541. Did you speak to him on the subject?—No, not on the subject, but I was speaking to him. Seeing me there he came up and shook hands.

8542. Are you aware whether he gave evidence to the effect that the irons were kept for a great number of consecutive days, keeping the hands fixed behind the back of O'Donovan Rossa?—I believe he did, sir, but not in my presence, but I heard he did.

8543. Can you say when he gave evidence?—I cannot, sir.

8544. Can you say when he was dismissed?—I have not the remotest idea, sir, when. It was not until some time afterwards that I heard of his leaving.

8545. (Dr. Lysons.) Can you fix in your memory in any way, how soon after the occurrence of throwing the water on the governor, O'Donovan Rossa was handcuffed?—As I stated before, sir, I think in the evening. I think it was in the evening, sir. I am not certain.

8546. Was it on the evening of the day on which he committed the offence?—That I am unable to say, sir. Perhaps I may be wrong even in saying the evening, but I labour under the impression that it was the evening, sir.

8547. Did I understand you a while ago to say that the order to handcuff O'Donovan Rossa was given to you?—It was, sir.

8548. That order was given to you by the deputy-governor?—I am afraid I am misconstructing the thing, sir, now. I removed him to the dark cell on one occasion; that was in the evening. I have a note of it.

8549. Now we must come back to this order for the handcuffing. Was it to you that the order was given to put O'Donovan Rossa in there?—I believe it is, sir.

8550. By whom do you think the order was given to you?—I believe by Captain Hardy.

8551. By Captain Hardy?—I think so.

8552. Was it a verbal or a written order?—A verbal order.

8553. Where was the order given to you?—That I am unable to say.

8554. Can you not tell to your recollection in what part of the prison so important an order was issued to you?—I cannot, sir.

8555. Is there any circumstance in connexion with the actions of the day, by which you can recall in mind at what hour of the day the order was issued to you?—No, sir. I cannot. I still labour under the impression that it was in the evening.

8556. And do you still think it was in the evening of the day on which the offence occurred?—I am unable to say, sir. I would not say positively. I must recall, I have misconstructed the affair with Rossa when I had to take his things off in the dark cell in the evening. I would not say positively whether it was in the evening, but I have been labouring under the impression that it was the evening. I would not say positively.

8557. You are unable to say whether it was the evening of the day on which this offence was committed, that you were given this important order?—I am unable to say.

8558. Is there any means by which you could refresh your memory on the subject? Have you any notes, records, or date of any kind by which you could refresh your memory on this subject?—I think not, sir.

8559. What are the notes that you spoke of a little while ago as having?—It will be on this very occasion, sir, and you will find if you see them, that this did occur in the evening.

8560. What are they?—Well, sir, there is a duplicate. I was making out a statement against Rossa, and I had to write over where I should sign my name.

8561. (Chairman.) When were they made?—At the time of the occurrence, sir.

8562. (Dr. Lysons.) You had better go and get them?—Very good, sir. (The witness withdraws, and returns in a short time.) This is the affair I was giving when I was ordered to put him in handcuffs; it occurred in August, it was in the evening.

8563. (Chairman.) Do you now produce certain notes which were taken by you?—Taken by me, my lord.

8564. Were these notes taken by you at the date, or nearly about the date of the incidents to which

they profess to relate?—No, my lord; this was in August '68.

8365. Was that note taken by you in August '68?—It was, my lord.

8366. For what purpose do you produce it?—I thought it was in the evening. This was an occasion when he was placed in handcuffs. I have been labouring under the impression it was in the evening he was put in handcuffs.

8367. When you said he was handcuffed in the evening, have you found that you made a mistake, by not distinguishing between August '68, and a former occasion?—Yes, my lord; that would be it.

8368. You do not mean it to be understood that the handcuffing commenced in the evening?—I am unable to say that it was in the evening, but I thought it was in the evening.

8369. (*Dr. Lush*.) Do these papers in your hand enable you now to give a more definite answer, with regard to the day, and the period of the day on which O'Donovan Rossa was put in irons?—No, sir.

8370. They do not?—No, sir.

8371. Do they refer in any way to the period at which he was put in irons? Would you inform us the date he was put in irons? According to the Separate Cells Book it is stated that he was put in irons on the 17th of June. I want to know if you have any data to bear on that subject, and whether he was then for the first time put in irons or not?—No, sir; all July and August.

8372. All those refer to July and August?—Yes, sir.

8373. I now finally conclude that you have no means of saying, although the order was given to you, on what day or at what period of the day, O'Donovan Rossa was first put in irons?—I am unable to say.

8374. You are unable to say?—Yes, sir.

8375. Were you present on the occasion on which the irons were first put on him?—That I am able to answer.

8376. Would it be your duty to see the irons put on him if you had got the order?—No, sir.

8377. It would not?—No, sir. If I had nothing else to do I might go and order the warder personally.

8378. Do you remember whether you did or did not go and order the warder personally to have O'Donovan Rossa handcuffed with his hands behind his back?—I cannot, sir.

8379. Did you ever assist in putting any irons on him?—I believe I did, sir.

8380. You believe you did?—I believe so, sir.

8381. Was that at the beginning or towards the close of the period when he was in irons?—That I am unable to say, or whether it was removing the irons before meals, or anything of that sort.

8382. On any occasion upon which you put the irons on, or assisted in putting them on O'Donovan Rossa, can you tell me whether they were put on behind, or whether when you were present at taking them off they were taken off from behind?—That I am unable to say, sir.

8383. You are unable to say?—I am, sir.

8384. You have stated that the period of ironing extends to 72 hours, not including meal times and nights?—Yes, sir.

8385. That is so?—Yes, sir.

8386. If a warder got an order to put handcuffs on a man with his hands behind his back, would he follow that order on 72 hours to the letter, unless it was increased by a separate order in the meantime?—He would.

8387. Would a warder be culpable if he changed the position of the handcuffs from behind to the front without a special and distinct order?—He would.

8388. Would he be reported for this?—He would.

8389. Was it your duty to visit the separate cells from time to time during the period O'Donovan Rossa was in irons?—It was, sir.

8390. Did you so visit his cell at any period?—I did, sir.

8391. Can you tell me how often you visited the

cell during the period that he was in irons?—I cannot, sir.

8392. Do any of those data in your hand now enable you, on reference to them, to say how often you visited the cells during the time he was in irons?—They do not, sir. July and August; these are all dated.

8393. Look at the month of July in your memorandum and tell me if there is anything that enables you to say whether you visited the separate cells in the early part of July, when O'Donovan Rossa was in irons?—I visited him on July the 26th. He had turned on the water-pipe and let the water run waste.

8394. What time of the day was that?—No hour is given, but to the best of my belief it was in the afternoon.

8395. In the afternoon?—I think so, sir. I was informed by Assistant Warder Cranston.

8396. Was he in irons then?—That I am unable to say, sir.

8397. Did you enter his cell?—Oh, I did, sir, along with Engineer Smith.

8398. You entered his cell along with Engineer Smith?—Yes, sir.

8399. And can you not remember whether or not he was then in irons?—I cannot remember, sir.

8400. Was he put in irons in consequence of that offence of allowing the water to run waste?—No, I think not, sir; I think not. I am not aware. Yes, sir, here it is. The governor gave orders for the prisoner Rossa to be removed to another cell, and to be placed in handcuffs during the time some alterations were being made to the top of the closet.

8401. Was he on that occasion put in handcuffs with the hands behind, or in what other manner was he dealt with?—That I am able to say, sir.

8402. Did you see that order carried out?—That I would not like to speak positively. I either do it myself, or tell Warder Brewster, or say of the officers.

8403. You cannot say whether you then put on the irons or not?—I cannot say, sir.

8404. Did you see Rossa at any time during meals or exercise within the period in which he was handcuffed?—Meals or exercise?

8405. Yes?—I did, sir. I must have seen him, for I had to visit him.

8406. Did you see him when he was being prepared to receive any of his meals?—I believe I did, sir, on one or two occasions.

8407. Were the handcuffs taken off to enable him to take his meals?—I believe they were, sir, taken off.

8408. Can you tell me when they were taken off, whether his hands had been manacled behind his back at the time or not?—I cannot, sir.

8409. You cannot? Have you any recollection of seeing him at exercise, or going to exercise, during the period in which he was handcuffed?—As a rule, sir, I would pass frequently by, perhaps while he was at exercise. I would perhaps not take any particular notice of him more than replying to the "all right" as I passed in the yard.

8410. Do you remember any occasion on which you saw and noticed him while he was at exercise in the yard during that period in which he was handcuffed?—Not particularly noticed him. I have seen him.

8411. He was then handcuffed?—Yes, I believe he was, sir.

8412. Can you say whether he was handcuffed in front or behind?—I cannot, sir. I cannot.

8413. You cannot state whether he was handcuffed behind or not?—I cannot state positively whether he was or not.

8414. Did it ever happen in your experience of prison life, that a prisoner was handcuffed in any way, either in front or behind, for such a period as 35 days?—Never, sir.

8415. Never?—Never.

8416. What is the longest period, that you have known any prisoner to be handcuffed, whether in front

W. T. Allen.

23 July 1878.

T. Adams.

22 July 1879.

or behind?—72 hours would be the ordinary time of the order.

8617. I ask you what is the longest period in which, in your experience, you have known a prisoner to be handcuffed in any way?—72 hours.

8618. Have you seen no prisoner handcuffed for a longer period than 72 hours?—By having them released, sir?

8619. By having a fresh order?—Yes, sir.

8620. Was that fresh order carried out immediately after the expiration of the first period of 72 hours?—No, sir. I think not.

8621. You think not?—I think not.

8622. There was some interval in any case that you saw, between the expiration of the 72 hours and the commencement of a new period?—I believe so.

8623. Have you any notes with regard to O'Donovan Rossa being handcuffed in August 1868?—No, sir.

8624. Could you state approximately what was the latest period of the year when you saw O'Donovan Rossa in irons?—I could not, sir.

8625. You have no recollection of any circumstances that would enable you even to guess?—No, sir.

8626. You have seen the entry in the book recording that O'Donovan Rossa was by order of the governor put in irons with his hands behind his back, and you have stated that the prison rule is that that should be carried out for 72 hours, and you think it probable that it was so carried out for 72 hours?—Yes, sir.

8627. If he states positively that he was handcuffed with his hands behind his back for 35 days consecutively, do you, having seen those entries there of his being daily handcuffed for so many days consecutively, think it likely that he was handcuffed with his hands behind his back, in accordance with the first entry?—I should not think he was, sir.

8628. Why?—I do not think that ever there was such an order given. I do not think there was ever a man that underwent that punishment for 35 days.

8629. Would you look at this page of this book and tell me what the entry is, and by whom it is made?—It is by me, sir.

8630. Read it out please?—"I find this prisoner guilty of the charge recorded against him, and hereby sentence him to a punishment of 28 days' penal diet in close confinement, and six weeks' penal diet from the 20th instant."

8631. There is no signature to that. Whose order is it?—It is the director's, sir.

8632. The director's?—The director's order; the director's punishment.

8633. How does it appear from that entry in that book that it is a director's order?—Well, no, sir. I always copy them. The memo. was sent to me. The director's punishment was copied in the chief warder's office, and sent over to me, and I simply copied it into my book, because there would be always the copy to appeal to.

8634. Look at the entries in that book commencing the 17th of June, and state to me day by day from that one, when he was manacled, which of those entries is in your handwriting?—The 17th of June, sir.

8635. Yes, look to the 17th of June. Is the morning entry of the 17th of June in your handwriting?—It is not, sir.

8636. In whose handwriting do you believe it to be?—I believe it to be Warden Brown's handwriting, sir.

8637. Look at the entry on the evening of that day, respecting the handcuffs being removed; whose handwriting is it?—Alfred Brown's, sir, I should judge Warden Alfred Brown.

8638. Look at the next entry?—That is the 18th, sir.

8639. Whose writing is that?—Warden Brown's, sir.

8640. Look at the closing entry of the day?—It is mine, sir.

8641. That is yours?—Yes, sir.

8642. Pass on to the next. Whose handwriting is that?—That is Warden Brown's, sir.

8643. Pass to the evening entry of that day?—That is Warden Brown's, sir; I should think.

8644. Look on through the book, and tell me how many entries you can find there of your own?—(Witness examines the book.) Two entries made by me, sir.

8645. Are there only two entries made by you in that book regarding the handcuffing of O'Donovan Rossa?—I release him, sir.

8646. They are both occasions on which the manacles were removed?—Yes, sir.

8647. And no others?—No, sir.

8648. (Dr. Greenleaf.) Do you say that you occasionally put on the handcuffs on O'Donovan Rossa's hands?—Occasionally, sir.

8649. Yes?—Yes, on one or two occasions, I believe.

8650. Did he resist the application of the handcuffs on those occasions?—No, sir.

8651. He was perfectly quiet?—I believe so.

8652. He did not make any resistance which would cause you to hurt him in putting on the handcuffs?—No, sir.

8653. Did you hear, as far as you recollect, that he resisted other officers in applying the handcuffs?—No, sir; but on one occasion, I believe, to the best of my belief, he made a complaint to me that he had been ripped, and I told him the most carefullest man would do it in putting handcuffs on.

8654. Did he show you any marks on his hands?—Well, it was just very slight, sir.

8655. There was a slight mark?—A slight nip, sir.

8656. Was there blood?—That I am unable to say. There might have been.

8657. Was there only one mark, or were there more than one?—That I am also unable to say. There might have been two. He complained, and I made the remark that the most carefullest man might nip a person in putting the handcuffs on.

8658. Did you ever see any prisoner taking exercise with his hands manacled behind, not Rossa merely, but any prisoner?—No, I believe not, sir.

8659. You think that you never saw a prisoner taking exercise with his hands manacled behind his back, to the best of your belief?—I think not, sir.

8660. Do you recollect other cases besides that of O'Donovan Rossa, in which prisoners had the hands manacled behind?—Yes, sir.

8661. Do you recollect whether any of those took exercise with the hands manacled behind the back?—No, I think they were in close confinement, sir.

8662. Is it usual to ordinary prisoners to be put in handcuffs by a verbal order?—Yes, sir. Oh, a written order. It is sometimes.

8663. More commonly it is a written order?—Yes, sir; if prisoner becomes violent, I would send word over to the chief warder, and he would forward to the governor that prisoner seemed so engaged in breaking or kicking, and the governor would order him in irons, and the order would be given to me verbally.

8664. You send a message to the governor verbally to the effect that such a prisoner is violent, and you receive a message from the governor to put him in irons. Is that the regular course?—Well, I have not received, and I have received a written order.

8665. Which is commoner, the written or the verbal?—Well I think the verbal.

8666. You hold in your hand the Separate Cells' Book?—Yes, sir.

8667. What is the nature of that book?—To say punishments, or anything that might occur during the day.

8668. Is that a book that is of great importance in the prison. Is it considered an important prison document?—Well, it is never was looked upon as one, sir; although I consider it is of importance.

8669. Who keeps that book?—The warden of the separate cells.

8670. Is it considered as rather a diary of the occurrences of the day, or is it a book containing orders for the punishment of prisoners?—No, a diary of the day.

8671. A mere diary of the occurrences of the day?—Yes, sir.

8672. And if anything were omitted from that book; if, for instance, O'Donovan Rossa were stated to have been put in manacles in the morning, and it did not appear in the evening that the manacles had been removed, would that show that the manacles had remained on all night?—I beg your pardon.

8673. Suppose that on some day O'Donovan Rossa is stated to have been put in handcuffs, and that there is no entry that day that they were taken off, does that imply that they were kept on all night?—That must be a mere omission.

8674. Are such omissions common?—They are not common.

8675. Would it be a fault to omit such a thing?—It is, sir, a fault.

8676. (Chairman.) Do you recollect when the director came down shortly after this offence was committed by O'Donovan Rossa?—Yes, my lord.

8677. Were you present at the hearing of the case before the director?—I believe I was, my lord.

8678. Do you recollect about what time of the year it was?—It was about the 1st of July, my lord.

8679. Do you recollect your asking whether you should remove the handcuffs when he was before the director?—I do not recollect, my lord.

8680. You do not recollect whether Captain Harvey said, "Yes"?—No, I do not, my lord.

8681. Up to the 1st of July, when the director came, Rossa would not have been considered under punishment, but in a separate cell?—Awaiting the director's trial, my lord.

8682. Can you account for the fact that the sentence passed by the director on the 1st July, was not communicated for many days afterwards to O'Donovan Rossa?—That I am unable to say, my lord, when the sentence was communicated to him.

8683. Then you cannot say, whether on the authority of the director personally, the iron were put on again or not?—No, I cannot, my lord.

8684. Do you recollect any occasion of a second offence being committed, say at the time in which he was on penal class diet. After he had been released from the handcuffs, according to his own statement, they were put on again. Who put them on again after breaking the chain and letting the water run?—I believe under the impression that it was me, my lord. I think so, but I am not sure.

8685. Were the irons then put on in front or behind?—Behind, I believe, my lord.

8686. You think they were put on behind?—I think so.

8687. Could you state positively that that was so?—I could not state it positively, my lord, but I believe so.

8688. Perhaps you remember how many days they were then on?—If I do not say whether it was placed behind or in front, my lord. On Monday, the 20th of July 1868 Assistant Warden Crasston informed me that the water in the punishment cells was running to waste somewhere, and he could not find out where. I told him I thought perhaps it was the prisoner O'Donovan Rossa that turned on his tap. I went to the cell and found that he had turned on the water. I turned it off in the presence of the prisoner, and simply told him not to waste the water in such a manner, but immediately when we left the cell he turned it on again. I at once reported the offence, and the governor gave orders for the prisoner O'Donovan Rossa to be removed to another cell, and to be replaced in handcuffs during the time some alterations were being made to the top of the chain.

8689. You cannot recollect whether on that occa-

sion you handcuffed him in front or behind?—No, my lord. W. F. Ainslie.

8690. I suppose the Warden, Brown, would be the man who could know more about it than anybody else?—Well, I do not know; he might be able to speak positively as to the facts, but I do not know that he could. He might have been present, sir.

8691. (Mr. Bradbick.) Do you recollect having to assist O'Donovan Rossa in buttoning or unbuttoning his clothes during this period that he was in irons?—No, sir, I do not. I might have done it, but I do not recollect.

8692. Do you recollect his having made holes in his clothes in order to keep up his trousers?—He had no braces on, my lord. He might have done so. I cannot recollect.

8693. Do you recollect on any occasion telling him that there was a place near the prison called "Jilligum," and that any prisoner who did not obey the rules very soon found his way to it?—I do not recollect that, sir, but I might have done so. I have often given that caution to the prisoners that would persist in coming from the cells, bread and water, bread and water. I have told them that very same thing, and advised them to keep out of it.

8694. What is "Jilligum"?—Gillingham cemetery.

8695. Do you remember O'Donovan Rossa being in the dark cells at Chatham during your time?—Yes, sir.

8696. Do you remember his ever being there without bed or blanket or rug?—No sir, he never was.

8697. Do you feel certain of that?—That I am convinced of. I have got a statement here. On that occasion, this is the very occasion you are speaking of that I misconstructed, I thought it was the evening that the handcuffs went on.

8698. Was that in August of the same year, or in August of some different year?—On the 30th day of August, sir.

8699. State on what occasion it was that O'Donovan Rossa was in the dark cells?—On the 30th day of August, sir, at 7.45. It must be a little before he was removed there.

8700. 1868?—1868, sir.

8701. (Dr. Lyons.) Was that memorandum made at the time?—That is a memorandum, sir, that mentioned the offence against him, only I wrote over the place the signature, and I made another, sir. I wrote it down.

8702. (Mr. Bradbick.) Have you a clear recollection of whether on that occasion he had, or had not, a bed, blanket and rug?—He had blankets and rug, sir.

8703. Have you ever known any prisoners to have been confined in the dark cells without blanket or rug?—None, sir.

8704. Is it a fixed rule that prisoners should be provided with blanket and rug in the dark cell?—Two blankets and one rug, sir.

8705. Are you positive that within your recollection that rule has not been violated in the case of O'Donovan Rossa?—Never, sir.

8706. (Mr. De Vere.) Is there much difference in the severity of the punishment, whether the handcuffs are put on before or behind?—Well, I should think there was, sir.

8707. Supposing that the handcuffs are removed for the purpose of allowing the prisoner to take his meals and for sleeping at night, is there then much difference in severity between them?—I should think there was, sir.

8708. Is it the rule for a man to be exercised when he is undergoing a period of irons?—Not as a rule, it is not, sir. As a rule it is not.

8709. Taking the usual period for a prisoner to be kept in irons to be 72 hours, is it usual for a man to be exercised during that period?—It is not, sir.

8710. Then the fact of his being exercised during the 35 days that he was in irons, would show that it

W. T. Allen,
21 July 1878.

was a peculiar and exceptional case?—I have just to see whether he would be allowed any exercise.

8711. (Chairman.) You said to me now just now, that you could not tell how it was that the director's decision was not communicated within a few days after the hearing?—I am not aware whether it was communicated my lord.

8712. Do you know when the punishment was ceased to commence?—As a rule they are read out for them. The governor would read them out.

8713. Supposing it had been stated to you that the punishment of bread and water did not commence until 19 days after the hearing of the case. Should you consider that a very unusual course?—Very unusual, my lord.

8714. (Mr. Brodick.) Referring once more to Allen, to the occasion in August 1868, when O'Donovan Rossa was confined in the dark cell, do you remember your refusing to give him any clothing?—Yes, sir.

8715. State, as likely as may be, what it was that occurred on that occasion?—I believe to the best of my knowledge, sir, that O'Donovan Rossa refused to work, for which a man can be deprived of his mattress. Blankets and rug were given into his cell. I believe I sent Assistant Warder Hibbert.

8716. Do you mean his own cell, or the dark cell?—The dark cell, sir. He was removed, I think, in consequence of disturbing the quietness of the prison.

8717. Blankets and rug were given into the dark cell?—Yes. I sent the assistant warder to put out his clothing. All prisoners deprived of mattress put out their clothing folded up neatly; and when the assistant warder came to his cell to get his clothes

came back and told me that he refused to put them out, I think to the best of my belief I went myself and asked him. I asked him three times to put them out. "No, he would not." I represented the circumstance to the chief warder, and Captain Hardy gave me orders to take them off him; if he would not put them out quietly to take them from him. I went to the cell with those two assistant warders myself. I stood outside and shined the light into the cell, and said "Take them things off, Rossa." "I will not," he says, "and nobody shall take them off from me," and when the assistant warder went in to take them off,

he up with his arm, and did not strike with his fist, but threw them one way, and another another.

8718. His hands were not unmanicled at that time?—No, sir. I put the light down, and went up and caught him by the collar, and helped them. I said, "Now, they must come off, and you might save as the trouble." He would not. I said, "They have to come off by fair or foul means." He tore my coat and trousers; but, however, we took them off from him, and of course the case was tried. The director tried the case, I believe, and when the director asked him, "Have you any questions to ask, prisoner?" he said, "No, sir, I have nothing to say, but Mr. Allen gave me rough usage, still there was nobody that used any undue violence to me, but Assistant Warder Hibbert;" that he put his thumb-screws on his neck or throat, and he did use violence.

8719. That was what O'Donovan Rossa said?—Yes, sir.

8720. Was it true that Hibbert had used violence?—I told the director that in the struggle I was unable to say. I did not see Mr. Hibbert nor Mr. Giddings use any more violence than I did myself.

8721. Did any one of you three place his knee on O'Donovan Rossa's neck?—Not that I am aware of, sir.

8722. Did you, or either of the others to the best of your knowledge, lift yourself up and leap with the knee foremost on his chest?—I cannot say, sir. If there was anything occurred it was a regular up-and-down thing.

8723. It was a scramble?—It was, sir, a scramble.

8724. (Dr. Lyons.) Is he so strong that he could resist three of you?—I had a great many men to remove to the dark cell, but I never got a sweater shirt from any man than I did from O'Donovan Rossa. I never had a more difficult task in my life.

8725. (Mr. Brodick.) On leaving the cell, did you or either of the other two warders turn round and dash him against the wall?—We shut him in. He tried to stop the door from being closed, and he was shut into the cell.

8726. He might have gone against the wall?—He might for all I know. He persisted in not having the door closed and we had to use force.

The witness withdrew.

Captain HARRIS recalled.

Capt. Harris.

8727. (Chairman.) Captain Harris, Reintree tells us that two documents which he had delivered to him, namely, a memorial to the Secretary of State and a memorial to the directors were claimed back from him by the clerk?—Yes, my lord, I sent for them.

8728. Have you sent for all the documents?—I have, with the exception of one, a memorial belonging to Malenky, which he has now in his possession.

8729. I wished to know under what authority the clerk acted?—Under mine. I told them they might get copies of them.

8730. (Mr. Brodick.) Were you ordered to get back those particular documents?—There was a general order to get back the documents; some were original, and some were copies.

8731. (Chairman.) Malenky has finally resolved not to make any statement; so has Power; so has Burke. We have also done with Ryan.

8732. (Mr. Brodick.) With the exception of Dillon and Reintree we have closed.

8733. (Chairman.) The question as to taking papers or allowing them to remain is no concern of ours now, it is a question for you and them under whose authority you act; that is with regard to six of the prisoners. Respecting the other two the case is different.—There were some details that you asked for which I can hand in. Those are the hospital diets, and those are the ordinary diets, which I now hand in. (The witness handed in documents and withdrew.)

The Commission adjourned.

Chatham Prison, Monday, 23d July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BROSDICK.
STEPHEN E. DE VRIES, Esq.DR. LYONS.
DR. GREENHOW.

JEREMIAH O'DONOVAN (ROMA), prisoner, recalled.

J. O'Donovan

(Roma)

25 July 1870.

8734. (Chairman.) O'Donovan Roma, the letter of which you spoke to the Commission in reference to Portland, has not been yet sent to us, and until it comes there is no advantage in taking your wife's evidence in respect to it. We hope it may come to-day. Your wife has been here this morning. We have seen her, and she says that she has no wish to give evidence before us to-day, previously to the arrival of the letter, unless you wish her to do so. We told her that after seeing you we would send her word whether we wanted her or not. What I want to ask you now is, whether previously to the arrival of the letter, you wish that she should come before the Commission, and whether you think there is any advantage in her coming before the Commission now?—Will I be present at her examination, my lord.

8735. No.—Because I cannot understand how the Commission will know the questions that I desire to put, or the matters that I desire to elicit from her.

8736. On consideration, we shall permit you to be present while she is under examination and to put questions to her, but the questions you so put must be put through me.—There is one matter, my lord, that I have a note of here; it was an application for a visit. Mr. Fagan granted me a visit on the 14th of June, when I applied here for a visit from my wife.

8737. (Mr. Broadrick.) What year?—This year. I applied to the director, Mr. Fagan; he granted me a visit. I learned from her that she applied for a visit on the 17th of June, and she told before me the letter she wrote to your lordship on the matter, and that application was refused. Now Mr. Fagan is the visiting director of this prison, and though it cannot do much for her perhaps, still anything that way I believe are things that we ought to have asked.

8738. (Mr. De Vries.) When did you apply?—I applied on the 14th of June, and her date was the 17th of the same month.

8739. By whom was the visit granted?—It was granted by Mr. Fagan, and I have a record of it here: "On the 14th of June, wrote another visit from his wife, if she should present herself at the prison." He has written on that "Approved."

8740. When did she apply?—On the 17th of June, in London. My lord, I do not like to think of Mr. Fagan, that he would grant me a visit here, leaving me under the impression that he would not in such a manner towards me, and then go to London and be a party to refusing me a visit.

8741. (Chairman.) Then your point is this, that Mr. Fagan granted you a visit from your wife on the 14th of June, and you wish to know how it was that she did not come?—She told me how she did not come. I will ask another question, my lord. Did I understand from your lordship or any gentleman of the Commission the first day of your coming here, that you told me, or told any of the prisoners, that any person they would have to assist them during the Commission, that that person would be allowed to them every day during the Commission.

8742. No. We told you that assistance might be given by a friend before the Commission commenced the examination, but not afterwards?—I was speaking to other prisoners about my wife not being allowed to come, and Hulpin told me that he distinctly recollects Mr. Lyons telling him so.

8743. (Chairman.) No, we did not do that. We came to the conclusion, which we recommended to the prisoners, that as soon as the examination of a prisoner commenced, his intercourse with friends ceased?—

Of course, my lord, I am in a very helpless position. It is very hard, I cannot have a person to speak to.

8744. We have decided that?—I will not press it, my lord. On Thursday evening, my lord, I asked you about a witness named Douglas.

8745. (Dr. Lyons.) The witness Douglas?—The witness Douglas; and seeing how Osmaston and Good have given their evidence, it strikes me that Douglas may be a very important witness, my lord. In a letter which is signed "W. Spencer Ollivant" you say that all facilities will be given for the examination of witnesses. I will read an extract. "I am also instructed to add that it is the desire and intention of the Commissioners to elicit the whole truth, and to avail themselves for this purpose of all the means in their power. They will be ready to receive from friends of prisoners or any person acting on their behalf, any statement in writing, which it may be wished to submit to them. I am further to state that if it be desired to tender any witnesses for examination, the names of the proposed witnesses should be forwarded to this office."

8746. (Chairman.) Yes.—Now, my lord, I have a letter to put before you. It is addressed to Mr. George Henry Moore. I will just read one paragraph of the letter for you.

8747. Do you know where the man Douglas is?—My wife knows where his wife is. I understand he is in Scotland.

8748. He is no longer in the service?—No, my lord. I was just thinking that, even though you have evidence enough to satisfy you that I was telling you the truth, still he has one passage in this letter:—

8749. I may tell you at once, that as regards the length of time you were under handcuffs, we have copies in the prison books to show that you were handcuffed. They do not say whether you were handcuffed behind or before, but that you were handcuffed for 84 days, one after another, with intermissions; therefore you need bring no proof of that?—But the handcuffs behind, my lord?

8750. If you wish to support that allegation you will bring witnesses.

8751. (Dr. Lyons.) Are you still positive about that, that every day you were handcuffed with your hands behind your back?—Positive. Even that Mr. Good, who I expected would give false evidence, his memory must be bad or something; that is all I will say.

8752. (Chairman.) You must bring evidence if you wish to support that allegation?—I do wish to support that allegation, my lord.

8753. With regard to Douglas, your wife had better write to his wife. We cannot bring him. We have no power to do so. Any person in the service of the prison department now we can send for, but no others?—Will you permit me to read the extract I referred to a while ago, my lord?

8754. From whom?—From a letter of Douglas's.

8755. Is it a recent letter?—No; it was written last year, after his resignation.

8756. We cannot take it as evidence, but simply as showing that his evidence will be material?—Yes, my lord.

8757. (Dr. Lyons.) What is the date of that letter?—About August.

8758. To whom was it written?—To Mr. George Henry Moore.

8759. In August '69?—August '68.

J. O'Donovan
(Rossa).
25 July 1876.

8760. What do you read it from?—Some printed paper; the paper is not given.

8761. (Dr. Greenhow.) The "Irishman"?—You may put it down the "Irishman"; it is not given. He refers to a letter in the "Times."

8762. (Chairman.) Where is it dated from?—It is not dated from any place.

"Sir,
"HAYING read in the 'Times' newspaper
"of the 7th instant of the statement made by
"Mr. Bruce in reference to the complaint of
"O'Donovan Rossa, the treason-felony prisoner now
"undergoing sentence at this prison, Clatham, in
"which statement I have been held up to the public
"as a liar and as a person considered unworthy,
"by which my character as a public servant has been
"blasted, I wish to make a statement which you, sir,
"will have the goodness to examine. I was sent to
"do duty in the separate or punishment cells depart-
"ment of the prison on the 27th of December 1867,
"and continued to do duty there until March 1869.
"During the whole of that period I was at my post,
"days of leave excepted. O'Donovan Rossa was
"located there from the time he was received from
"Millbank prison up to this date. I was specially
"appointed to look after Burke and Shaw upon their
"return from Millbank, to exercise them separately,
"and I had occasionally to exercise Rossa, he being
"handcuffed behind. He was placed in handcuffs
"every morning about 6.45, and at 9 or 10 o'clock I
"have taken the cuffs off to enable him to dress him-
"self for the purpose of taking one hour's exercise.
"The cuffs were replaced behind him as soon as he
"had dressed. After exercising I took off the cuffs
"as I had done before to enable him to take off his
"cap, stock, braces, and shoes, which articles he was
"not allowed to retain by the rules relating to the sepa-
"rate cells. After this he was handcuffed behind and
"remained so until the dinner hour, when the
"manacles were placed in front to enable him to eat
"his food. Dinner over, he was again handcuffed
"behind, and the same thing went on before and
"after supper. The fetters were kept on until
"7.30 p.m., and then taken off for the night. In-
"stead of these occasions there was no day,
"Sundays off duty excepted, when I did not on more
"than one occasion remove the handcuffs from front
"to back, or from back to front, that time extending
"over a period of 30 days at least. I am certain
"that this could be proved by three or four other
"officers. From March to June, although still
"attached to the separate cells, I did duty only there
"at meal times on every alternate evening, and took
"the treason-felony prisoners to chapel every
"morning, Sundays excepted, I being in charge of
"them for the time. From June to the latter end of
"July I was wholly in charge of them when at labour
"and exercise two hours a day."

Then he goes on, my lord, to show how he was
"obliged to resign in consequence of the Secretary of
"State being misinformed. In the end he says that he
"trusts a further investigation will give him an oppor-
"tunity of showing the public there never had been
"anything against his character during 30 years. He
"served 24 years in the Guards.

8763. What Guards?—The Life Guards.

8764. We have no doubt his evidence will be
"material.

8765. (Dr. Lyons.) Oh, most important.

8766. (Chairman.) Do you know anything of a
"welder named Kay?—No, my lord. I do not know
"him. Of course, I have seen him in the ward, but I
"do not recollect. I haven't him in my memory.

8767. (Mr. De Vere.) His name is not one of those
"you gave?—No; he never tied the irons on me. I
"only gave you the names of the men who tied the
"irons on me, or who saw the irons on me, or had
"something to do with the irons. About the examina-
"tion of Cranstoun and Good on the last day, my lord:
"did you ask them if they ever saw any other officer
"tying the irons on my wrists?

8768. (Chairman.) No.

8769. (Mr. Broadrick.) We did not ask them that
"specific question, but we asked them whether they had
"ever seen the irons on behind after the first three days,
"and they said distinctly they had not; but I do not
"know that we actually put the question to them. "Have
"you seen some other officer do it?"

8770. (Chairman.) We will put it to them by and
"bye.—Because, Mr. De Vere, very rarely, perhaps, no
"more than two or three occasions, was I ever dressed
"unless two officers were present, and this Cranstoun
"must have come. I recollect he occasionally came
"with an officer named Brown.

8771. We are going to examine Brown?—And
"Cranston, if he comes before you again, my lord, is one
"of the men who used to exercise me.

8772. Good exercise you?—I think Cranstoun used
"to exercise me sometimes, my lord.

8773. We will ask him. The question now is
"whether you wish your wife to be examined to-day,
"or will you let her wait until the latter comes. Pro-
"bably it is better to let her wait until the latter
"comes?—Well, my lord, I will not press her on you,
"but, of course, I would rather she would be examined,
"for the pleasure of seeing her and hearing her speak;
"but if it would interfere with any of your arrange-
"ments—

8774. What do you wish to have her examined
"about?—On one or more matters, my lord, but I won't
"press it.

8775. We will examine her to-day if you like?—
"Very well, my lord.

8776. You mentioned in a letter to me the other
"day something about your wife not being able to come?
"—She came here on Tuesday, my lord, but was not
"admitted until you came.

8777. (Dr. Lyons.) Were you under bread-and-
"water punishment prior to the 16th of June, 1868,
"when you threw the water on the governor?—Yes,
"the bread-and-water punishment commenced on the
"1st of June.

8778. On the 1st of June?—I was in separate cells
"from the 1st of June to the 16th; the 16th I com-
"mitted the offence; the 16th was the day I committed
"the offence.

8779. (Mr. Broadrick.) You were actually on bread
"and water 3—I was 12 or 13 days on bread and water,
"and the intermediate days previously I would be on
"report and on light labour diet.

8780. (Dr. Lyons.) I saw entered here "Monday,"
"1st of June, 1868, 8549, J. O'D. Rossa, three days'
"punishment diet"?—Yes, it commenced that day,
"Mr. Lyons.

8781. It did commence on that day?—Yes, Mr.
"Lyons.

8782. (Dr. Greenhow.) Why were you put on
"punishment that day?—I refused to work with the
"prisoners outside, after seeing the unpleasant life I led
"with them, and the position in which I was. Some
"statement went out about a quarrel and my neck.
"I was determined to work no more with them. I
"refused to work outside, and I got three days' bread
"and water.

8783. (Dr. Lyons.) You got three days' bread and
"water because you refused to work outside?—Yes.

8784. Are you quite sure of that; for I find on the
"same day an entry that you were reported by Warden
"Brown for leaving your cell unclosed in a very dirty
"state?—I refused to work outside, and I was brought
"in under report. I did not know what charges they
"may make of the incontinent conduct, but I was
"imprisoned, I may say—imprisoned within a prison—
"on a charge of refusing to work. I came in, and at
"noon, when I was brought before the governor, the
"other charge was added to the main charge of refusing
"to work, and I got three days' bread and water.

8785. (Chairman.) Had you also refused to clean
"the tins?—I did not refuse to clean the tins, but
"everything is taken out of my cell when I am re-
"ported, and in taking out the tins he found that they
"were dirty, and they added all in one charge.

8786. (*Dr. Lyons.*) On the expiration of those three days were you again put on punishment diet?—Yes, Mr. Lyons.

8787. When?—The 5th of June. After the three days expired then one day intervened, and I was on report for the next day. During the time that I was under bread and water I refused to salute the governor. I desired to be left quietly in my cell to take my punishment. I was punished for highly insubordinate conduct; that is the insubordinate conduct, refusing to salute the governor.

8788. Is that what you call the salams?—That is what I call the salams.

8789. Commencing when?—The 5th. I have the date here, Mr. Lyons.

8790. (*Dr. Greenhow.*) What words did you use that day when you behaved in this offensive manner, as alleged?—I cannot recollect, sir, what words I said, but I recollect using the words before him in the adjudication room about assassination.

8791. (*Dr. Lyons.*) On the 5th of June I find "J. O'D. Ross placed in dark cell by order of the governor at 7 p.m. on the 4th instant?"—On the 4th.

8792. Yes; the entry is on the 5th, but it relates to what was done on the 4th?—I will tell you, Dr. Lyons, my recollection of that. When I got a second three days' bread and water that was adjudicated on by the governor of the prison, and when I came to my cell I broke the glass of the lamp; I threw my head at it, and then I was taken to the dark cell for that offence, and left in the dark cell two or three days.

8793. Does that apply to the entry here, the 4th instant?—Yes, I think it must apply, Mr. Lyons, to that entry. I was five or six days in the dark cell that time.

8794. On the 5th there is I find a further entry, "J. O'D. Ross, three days' penal diet." Is that the case?—That is the case; yes.

8795. That is the case?—Yes.

8796. When again were you put under punishment diet?—June the 5th is the next.

8797. That period of course would end on the 8th?—Yes; and then a day intervening to have me under report.

8798. I find that you were twice reported on the 8th?—What is the second report, Mr. Lyons.

8799. The first report states, "Reported by Warden Brown for highly insubordinate and disrespectful conduct towards Captain Powell on the morning of the 5th of June." Also reported again for "highly insubordinate conduct towards Captain Powell at 7 p.m. in the penal cell, he being under punishment for a previous offence?"—Well, my lord, I would wish that whenever you examine the officers as to my violence, whenever they speak of it, that you would examine them, and ask what are the particular acts of violence that were committed.

8800. (*Chairman.*) That we will do.

8801. (*Dr. Lyons.*) I find on Tuesday the 9th of June, "J. O'D. Ross removed to dark cell by order of the governor," apparently at 12 o'clock in the day?—Yes; I was for five or six days in the dark cell that time.

8802. I find on the same day the entry, "J. O'D. Ross, two days penal diet." Is that correct?—That is correct, Mr. Lyons.

8803. When next were you put on penal diet?—Have you the 12th, sir; the 12th of June?

8804. I find that on the 11th you were "reported by Warden Brown for defacing the cell by writing on it, about 9.30 p.m., the 9th; also insubordinate conduct to Captain Powell, the 10th, he being under punishment in the dark cell for a previous offence." Is that correct?—It is correct that I did not salute him under those circumstances. That is all I ever did.

8805. I find also on the 11th of June, "J. O'D. Ross, 12.15, released from the dark cell this day by order of the governor." Is that correct?—I cannot, Mr. Lyons, recollect the particular dates.

8806. Then I find on the 12th, "J. O'D. Ross reported by Assistant-Warden Coston for refusing to leave his cell, when under report, to go before the governor, at 12 noon, the 9th instant; also for highly disrespectful and insubordinate conduct towards the governor on the 9th instant?"—Yes, I refused to go before the governor. I said he could order his punishment, and let them have more menial work without me, and that as he would not write down anything I would say, I had no use going before him.

8807. "12.40. J. O. D. Ross two days punishment diet and pay for damage to his cell door." How were you to pay for that?—Out of the gratuities. Prisoners get a gratuity.

8808. That was to be debited against your credits?—I know none at all, Mr. Lyons.

8809. (*Chairman.*) Why do you say that the governor would not take down what you said in your defence?—He would not take down my replies to the charges. I could not get any governor to do that.

8810. What governor?—Captain Powell. I could not get any governor to take down my replies to the charges.

8811. (*Dr. Lyons.*) I find you again reported for highly insubordinate conduct towards the governor when under punishment?—Yes, those things must be right.

8812. On Sunday, the 14th, I find entered, "J. O'D. Ross detained under further report," and on Monday the 15th of June, "J. O'D. Ross two days' punishment, and pay for damage to gutta-percha band?"—Two days on the 15th.

8813. (*Chairman.*) Then this accounts for the period from the 1st of June to the 16th?—Yes, my lord.

8814. (*Dr. Lyons.*) Sunday, the 14th, I find, "J. O'D. Ross reported by Assistant-Warden Hibbert for refusing to clean his boots, and wilfully damaging his cap, about 12 noon, this day." What did you do to the cap?—I do not recollect now, Mr. Lyons. Oh, yes, I now recollect. I found the cap that I got was a bit tipped. I caught it with my teeth, and slipped a bit out of it, and kept it in my mouth with a feeling of hunger, to be chewing it; and Mr. Allison saw it, and had me reported for it, and then I took and broke the cap entirely.

8815. (*Dr. Greenhow.*) Go back to June the 1st, Ross; that was the day on which you declined to work?—Yes, sir.

8816. Do you recollect what words you used on that occasion?—No.

8817. Is this a correct statement of what took place, that "about 7.15 a.m. this day the prisoner Ross left off work, threw his hammer up in a very insubordinate manner, and said, 'I will go in and clean my tin,' and then in reply you stated that you would ask for work in your cell, and objected to work amongst a gang of thieves?"—That is correct; but going to to clean my tin I do not recollect. I refused to work.

8818. (*Chairman.*) You refused to work outside?—Yes, my lord.

8819. (*Dr. Greenhow.*) And you gave as your reason for refusing to work outside that you would not be working amongst a gang of thieves?—Yes, sir.

8820. Do you recollect a day on which you were found imperfectly dressed; that is, having no jacket on, on which you were ordered by Thompson to put your jacket on?—Yes, I think I do, sir.

8821. How did you act on that occasion?—What is the date of that, sir?

8822. The 8th of June?—I think it was in the evening, when he wanted me to bring my bed; but I had my jacket off, and he wanted me to put on the jacket to go down for the bed, about half-past 7 in the evening.

8823. It was?—I believe I refused to put on my jacket.

8824. Did you use any other words that you recollect?—No, I do not recollect.

J. O'Donnell
(Ross).
10 July 1870.

J. O'Donovan
(Rosa).

25 July 1870

8825. Did you use those words, "Then you are not satisfied yet, you miserable, prejudiced wretch?"

—Yes.

8826. You did use those words?—Yes, I will acknowledge that.

8827. Did you that same evening sing in your cell, disturbing that part of the prison?—Not that evening.

8828. It is stated that on that evening "the prisoner O'Donovan Rosa was singing, thereby disturbing the quiet of the penal class, and constrained so to do after being removed to the dark cell by order of Captain Harvey." Were you removed to the dark cell that night, the 5th of June?—I think I was, sir.

8829. And was your singing the cause of it?—Well, yes, sir. I cannot say singing, but reciting perhaps some lines; making noise; they call it singing.

8830. On the 5th of June, when you were brought before the governor, did you refuse to stand to "attention," and did you lounge back with your hands in front of you?—Yes, I did this way. (*Exhibits the attitude.*)

8831. Then on the 12th of June you were ordered out of your cell for the purpose of going before the governor, being under report, when you refused, saying, "You can go on with your miserable work without me." Do you think that is true?—Yes, sir, I acknowledge that.

8832. On the 5th of June did they find that you had written on your cell, and damaged your cell by writing?—Will you please read the charge?

8833. The charge is that "on inspecting the prisoner's cell on the 5th instant I found he had willfully damaged it by writing on it?"—Does it give what was written, sir?

8834. It does not say what was written. (No reply.)

8835. (*Chairman.*) Was that the occasion when you wrote those words in French, "*Le sang rouge d'Irlande coule en Angleterre*?"—No, my lord; that was in Millbank.

8836. (*Dr. Greenhouse.*) Have you written on the cell here?—Yes. I will tell you under what circumstances. When I could not get the governor to take down my charge in writing I used write on the cell those very things that I wanted him to take down, with the view that if I was reported for this the writing should be put on record.

8837. (*Chairman.*) Do you think there are more of them?—Yes, my lord.

8838. (*Mr. De Vere.*) What used you to write them with?—I signed, Mr. De Vere.

8839. Was it with a pen and ink?—Oh no; perhaps a bit of a stone or a piece of bone with a sharp point.

8840. You scratched on the wall?—Scratched on the wall. Have you, Dr. Greenhouse, been defacing my cell. It occurred some of those days. I have it here myself. I will give you the date in a second.

8841. (*Dr. Greenhouse.*) What date?—It is somewhere between the 1st and the 17th of June.

8842. I have seen it, but it is not in those papers at this moment.

8843. (*Mr. De Vere.*) O'Donovan Rosa, with the exception of two or three days' intermission, you appear to have been on bread and water and in dark cells from the 1st of June until the 16th, when you committed this assault on the governor?—Yes, sir.

8844. The charges against you during that time appear to have been for insubordination and disobedience. Was there any charge made against you during that time of assault or violence to any officer?—No, sir, there cannot be. I was never violent or attempted to assault any officer, except on a few occasions that they laid hands on me. I was just as peaceful and obedient to them on those occasions too.

8845. (*Dr. Greenhouse.*) Were those occasions when you were violent between the 1st and 16th of June?—I was not violent; but I refused to leave the cell,

and then they would come and put hands on me, and I would go.

8846. You went quietly and did not resist?—I did not resist, but went quietly.

8847. (*Mr. De Vere.*) What effect on your health, spirits, and character do you conceive that long period of dark cells and bread and water to have had?—Well, I felt at the time, of course, that it would kill me. That was the feeling I had at the time.

8848. Did you yourself attribute to it in any degree your conduct on the 16th and previous transactions from the first?—I attribute it of course now. The feeling that oppressed my mind was that I was treated this way; that it was done for the purpose of breaking down my health, and that I had no way to make it known, and that if I did not make some noise it would conquer and perhaps kill me.

8849. Will you state to what respect your health was affected?—Well, at the time I did not feel it much affected, but I felt not well since. I got an affection of the back since that I had not at that time.

8850. Is it true that you have on any occasion since that expressed your regret for your conduct on the 16th?—No, I do not think it is, except so far as expressing it in such a manner as you have seen in this report I gave in; that it was an act—that it is an act I thought once I could never do. In that first report I gave in I say that it was an act that at one time any man that would tell me I would do it I would not believe him.

8851. (*Chairman.*) How often were you seen by the doctor between the 1st of June and the 16th?—Well, perhaps I might be seen seven or eight times, my lord. The doctor used not to see me every day. I see by his evidence in those newspapers that he speaks of seeing me every day, but I do not think he used, because there is a practice that some of the wardens go round every morning to the prisoners, and enquire, "Do you want to see the doctor to-day?" and if no prisoner wants to see him he does not come that day.

8852. When you were asked, did you want to see the doctor, what was your answer ordinarily?—Ordinarily, that I did not want to see him.

8853. You think he may have seen you seven or eight times?—I think so, my lord.

8854. (*Mr. De Vere.*) During what period?—From the 1st of June to the 16th.

8855. Did he frequently see you from the 16th of June until the end of the 35 days?—He did, sir.

8856. Did he see you daily during that time?—Oh, I think not, sir.

8857. Were you ever asked during the period subsequent to the 16th whether you wished to see the doctor or not?—Oh, I was.

8858. Who used to ask you that question?—The officer on duty in the morning; Brown or Coates, or any officer that would be on duty.

8859. Did you ever say in reply that you did wish to see him?—Perhaps I did, but I do not recollect it now.

8860. What was your usual reply?—Well, if I did not feel ill, I would say that I did not want to see him.

8861. If you said that you did not want to see him, would he have visited you?—He would, sir; he did occasionally. I recollect he visited me on days when I said in the morning I did not want to see him. I recollect that distinctly.

8862. Are you prepared to state positively whether he saw you daily during that period of 35 days or not?—No, he did not see me daily.

8863. Describe the interviews that took place between you and him. On the occasions when he did see you what used to take place?—I only recollect one particular interview during that time, sir, when I was in house, and that is my showing him my wrist cut.

8864. (*Chairman.*) By the hundreds?—Yes, my lord. I asked him could not these lumps be put on without cutting me; and Alison was present, and he said, "I assure you doctor, the same happened to

myself with the greatest care, that I give a man a nip."

8861. (*M^r. De Vere*.) Can you recollect the hour at which that conversation took place with the doctor?—It was before dinner; an hour before dinner.

8862. Did you then show him your hands?—I did, sir.

8863. In what way were your hands handcuffed at the time that you showed them to him?—Well, I do not exactly recollect now. I cannot say; but I recollect putting my hands out through the bars of the gate to show them to him. If they were behind I would turn round to show them, and if it was dinner hour I would stretch them out.

8864. When the hands are handcuffed behind the back, would you have the power of bringing them a little forward, so that a person standing in front of you could see the hands?—Yes, by turning sideways, and with my jacket off they would go up so far (*showing the position of the hands*). It was a facility to have the jacket off, for it would afford greater scope for the hands to work.

8865. Would it be possible that a person looking at you with your hands extended behind your back, might fancy if you had your hands brought forward in that way that they were tied in front?—Oh, he could not think so, sir, for the whole breast was exposed.

8870. There can be no mistake in the matter?—No mistake, sir.

8871. (*Dr. Greenhow*.) How many days were you on bread and water (diet between the 1st and the 16th of June)?—Twelve days, sir.

8872. Twelve days under bread and water?—Yes, 12 days, sir.

8873. Are you quite sure of that?—Oh, quite sure, sir.

8874. Between the 1st and the 16th of June?—Yes, sir.

8875. What are the days? Can you mention the days?—Well, I have the record here:—"June the 1st, three days; June the 5th, three days; June the 8th, two days; June the 12th, two days; June the 15th, two days."

8876. Were you two days on June the 15th?—Yes, sir.

8877. Are you quite sure?—I am quite sure. I was on bread and water all the time except the days that I mentioned. There are five reports, and five days intervening between the five reports. I had punishment diet on those days.

8878. Did the doctor see you before that sentence was carried out? Did he examine you?—I recollect one circumstance that happened to me. I was sentenced to two days' bread and water, one of these last days, and that evening I got a pint of gruel. I began to think "they are getting kind" or something. It was not my business to inquire why I got it, but I took it and used it, and the next morning I had the bread and water again as usual. I had the pint of gruel after I got the bread and water, and that was all I think.

8879. My question was whether the doctor had seen you on those occasions, before you were put on the bread and water diet, or not?—I do not recollect particularly, sir, whether he did or not.

8880. How many of those days were you in the dark cells?—I could not tell you that either.

8881. Were you three days in the dark cells, think you, between the 1st and the 16th of June?—I was more. I was three days there one time; I was two days there another time. I would not be surprised if I was eight days in the dark cells.

8882. Then you were not the whole time in the dark cells?—No, I was not the whole time, sir.

8883. (*M^r. De Vere*.) You spoke of an interview with the doctor in which you showed him your hands. Can you remember how many days after the 17th that was?—I could not tell you, sir.

8884. Can you state whether your hands were

locked your back at the time of that interview with the doctor or not?—I think they were behind my back, sir, but it is a matter that I would not be positive about; but I think they were behind my back. I could not be positive—only of those things that stood themselves in my memory with something remarkable connected with them; for memorable things happened to me that I had to pass aside and leave slip out of my memory. There is one report that I wish to refer to that I do not see here, that might elicit some evidence as to having my hands behind my back at one particular date; and that is as to that officer, Thompson, which you will find in the report. He came to me one day after dinner and put me in irons.

8885. (*Chapman*.) What day was that?—I cannot recollect the day, my lord, but I will say that if you can find the report it will fix the date. I was in irons with my hands behind my back this date. It is some date during the 35 days. Dr. Greenhow, it is some date during the 35 days; perhaps at the middle, say of the 35 days—something about that time. He came in. You see the report about my tearing my clothes; that is, when the irons were tied behind. I had no knives: I had some annoyance in trying to keep the trousers up, and I just hit a hole in my waistcoat one day—two holes—and ripped the seams behind to keep the trousers up; and Thompson after tying the irons behind set about unloosening the clothes, and I could not tie them again, so I asked him to be ordered to do that. "Oh," said he, "that is none of your business." "Oh," said I, "have you not done your duty, you 'mean wretch'?" so there was a report in the books to that effect, and he will be before you for examination, if you have not examined him already.

8886. (*Dr. Ligon*.) Did your trousers fall down?—The trousers used to fall down.

8887. How did you keep them up after he unloosed them?—I had to have it so.

8888. Why had you no braces?—The prison rules do not allow any braces while you are on bread and water in punishment cells, for fear a man would hang himself, I suppose.

8889. Are you positive that the braces were taken away from you always in the dark cell?—Always from me. This report, Dr. Greenhow, was read from the books for me.

8890. (*Dr. Greenhow*.) On the 8th of June there is this entry: "Assistant-Warden Thompson states that on inspecting Rosen's clothing he found he had 'damaged a vest by making two holes in it'."—That is not the report I refer to. The report I refer to is between the 17th of June and some day in July, during the 35 days.

8891. Yes; here I find "Assistant-Warden Francis Thompson, who being daily sworn states—19th of June—that about 6 p.m. on the 19th instant I was on duty in the penal cells separate cells. When I went to Jeremiah O'Donovan Rossa's cell for the purpose of changing his handcuffs from front to rear—they having been removed for him to get his supper, when I found him wearing his vest buttoned to his breeches which he had ripped. I told him not to do that, and unbuttoned them, and he said in a snarling manner, 'Have you not done with your duty yet, you wretch'?"—I thought it might be some other date.

8892. On that day the warden Thompson removed the handcuffs from the front to the rear after supper, and it was then this occurrence took place?—Mr. De Vere, my lord, came down here on the 1st of July, and I do not think those officers in this prison kept me with my hands tied behind me without telling him about it; and if you will examine him, he will tell you something.

8893. (*Dr. Ligon*.) I find that from the 1st to the 16th of June you were every day confined under report and punishment?—Oh yes, every day.

8894. Then on the 17th of June, by your own statement, you were put in handcuffs and kept so during a period of 35 days?—Yes, on the morning of the 17th of June.

J. O'Donovan
(Rossa).
30 July 1870.

J. O'Donnell
(Witness).
25 July 1894.

8895. On the 23rd of July I find in this book an entry that you were then sentenced to 29 days' punishment diet in close confinement, and six months' period diet from the 20th instant. That was so; was it?—Yes.

8896. That 29 days was carried out from the 20th?—Yes, from 24 days after the 17th of June.

8897. That would bring me to the 19th of August. Now, on the 20th of August I find you reported by Principal Warden Alcock for gross insolence to Captain Harvey, and on the 21st I find that you were remanded for the director?—If you will ask Alcock in his examination what this insolence was.

8898. What punishment did you get for that offence that you were reported for on the 21st of August? I find an entry on the 21st that you were under report for the director?—Oh, September the 21st, perhaps.

8899. No, the 21st of August 1893?—I have not an account of the 21st at all.

8900. What happened in consequence of that report for the director on that day?—I cannot say, sir.

8901. Do you not remember anything about it?—No. I only recollect that I was reported the morning after they trumped me in the cell. The day after I was reported, and they sent for the director. They reported me for assaulting three officers after they working their will on me.

8902. (Dr. Greenhouse.) "Working their will," meaning that they made you take off your clothes?—Yes, and one officer leaped on my chest with his knee.

8903. Did you resist at all?—I resisted so far as that I did not obey the orders to strip, and then Mr. Alcock gave orders to strip me, and they rushed on me, seized me by the throat, and knelt me down.

8904. (Mr. Broadbent.) When they had taken your clothes, did they leave you any bed-clothes?—Yes, sir, two blankets and a rug.

8905. (Dr. Lysons.) On the 25th of June '98 I find that you were under report. Was there any punishment awarded on that occasion?—Two days' bread and water.

8906. On what date was that?—The 25th I have here.

8907. On the 25th I find an entry here to the effect that you were awarded two days' punishment diet, and that you were put in a punishment cell. Is that so?—Yes, sir, that is so.

8908. On the 27th of August I find that you were placed under report again for refusing to pick out while under penal class punishment. Did you refuse to pick the cell?—Yes, I did, sir.

8909. Then on the 28th I find that the report was deferred, and "to be retained." What does that mean? Were you retained in punishment?—I was kept in the same cell.

8910. Were you kept on bread and water?—No, on penal class diet.

8911. On penal class diet, and kept in the same punishment cell?—Yes, sir.

8912. When were you next punished by bread and water after that?—That was the last, I think, sir. I have not had any since.

8913. (Dr. Greenhouse.) Which was the last?—The 25th of August 1893.

8914. (Dr. Lysons.) The 27th of August?—Yes, I have the 25th here.

8915. (Dr. Greenhouse.) Did Captain De Caze see you about that time?—I think not, sir. He saw me on or about the 1st of October.

8916. In that year?—In that year.

8917. What passed on that occasion?—I was brought up before him on this charge of assaulting three officers on the occasion of stripping me of my clothes, and I said something to him, and after some conversation that passed, he asked me to show how I was treated exceptionally. I said that I was treated exceptionally from first to last, and he asked "How," and I said "in every way that he could point out." "Well," said he, "if you get a chance of going

on smoothly now, will you go on?" "I was always determined," said I, "to go on quietly if I was allowed to get on quietly." So he said in this conversation he would send me out to work again, and he would take me off the punishment.

8918. (Dr. Lysons.) I find another on the 2nd of September 1893, "J. O'D. Ross removed to dark" cell at 1.50 p.m. by order of Captain Harvey, acting "governor." Do you remember that occasion?—I do not recollect anything particularly connected with it. No, I used be often in the dark cell.

8919. Then again on the 3d of September, "J. O'D. Ross removed from dark cell at 7 a.m." Do you remember anything about that punishment, or what led to it?—I suppose making noise.

8920. (Dr. Greenhouse.) Since Captain De Caze said he would give you a chance of going on smoothly and let you go out to work, you have gone on well and never been reported since?—Except once, that a letter was found on a prisoner, and I was charged with writing the letter, and I was put 10 days in solitary confinement awaiting report. The director came after I was about five or six days in, and did not notice me. I was taken out as if to be taken before him while he was sitting, and I was brought back to my cell again.

8921. (Chairman.) What day was that?—It was in December, my lord.

8922. (Dr. Lysons.) December in that year?—December '98. I have no record of it.

8923. (Dr. Greenhouse.) May I ask did you write the letter?—No, sir, I did not. I would tell you, sir, if I did, because I have tried to send out letters.

8924. (Chairman.) How many days was you in the cell then?—Ten days, my lord.

8925. (Dr. Lysons.) Were you on bread and water?—No, I was on what is called "light labour diet," report diet.

8926. (Dr. Greenhouse.) And confined to your cell?—Confined to my cell, and stripped of books and everything; the cell stripped.

8927. Had you no books during that time?—Yes, I was allowed one library book.

8928. No religious books?—The Testament, I think, but sometimes I would not be allowed a religious book at all; a Testament or Library book. But after the lapse of 10 days I was taken before the governor, and he said an order came from the board of directors to release me; that there was not evidence sufficient to convict me of the charge.

8929. (Dr. Lysons.) Who told you that?—The governor, Captain Powell, told me that.

8930. (Chairman.) Under whose order were you confined to your cell?—I cannot say, my lord.

8931. (Dr. Lysons.) Do you state positively that Captain Powell told you that you were released after 10 days' food confinement by order of the directors?—Yes, I state that positively; and that there was not sufficient evidence to convict me of the charge.

8932. You state that positively?—Oh, yes, he said those words to me. I might not have the exact words to a moneylender, or that way.

8933. (Mr. De Vere.) What was the date of that?—It was in December, Mr. De Vere.

8934. (Dr. Lysons.) The offence was sending out a letter?—A letter was got in the prison with some prisoner. I was immediately put in solitary confinement, as being the writer of this letter. I was not the writer of it.

8935. A letter was found on a prisoner?—Yes.

8936. Was he a political prisoner?—No, he was not.

8937. (Chairman.) You say the letter was found on a prisoner?—Found on a prisoner, my lord; and that prisoner, I understand, lost nine months' remission for having the letter—got nine months' imprisonment for it, that he had earned by good conduct in prison.

8938. (Dr. Lysons.) You did not write the letter?—I did not write the letter.

8939. You had nothing to do with giving the letter

to the prisoner?—No, nothing to do with it. Well, perhaps, directly, that I might have something, but I did not write the letter, nor give it to him.

8940. (*Dr. Greenhow.*) You directed the letter,

The prisoner remained.

did you?—No, sir. I did not write the letter. I had nothing to do with it.

8941. (*Chairman.*) You said "directly"?—That I might know something about it, my lord.

*J. O'Donovan
(Rossa).*

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Mrs. O'Donovan (*Rossa*) examined.

8942. (*Chairman.*) It appears that on June the 14th, as the application of your husband, leave was given by the director, Mr. Fagan, for you to come here. Were you aware of that, and did you do anything in consequence of it?—The 14th of June, no, sir; I was not aware of it. I have not been told anything about it.

8943. What questions do you wish to be put to her?—(*Prisoner.*) Did she make application, my lord, to visit me?

8944. When did you first make application for permission to come here, do you recollect?—(*Mrs. O'Donovan.*) On the 17th of June.

8945. To whom did you apply?—(*Mrs. O'Donovan.*) I applied to the chairman of the directors.

8946. By letter?—(*Mrs. O'Donovan.*) Personally.

8947. That was to Captain De Cose?—(*Mrs. O'Donovan.*) Yes.

8948. I think you mentioned that in a letter to me. Was permission granted?—(*Mrs. O'Donovan.*) No; permission was refused.

8949. Did you afterwards apply again?—(*Mrs. O'Donovan.*) Yes, I wrote to the Secretary of State.

8950. What day?—(*Mrs. O'Donovan.*) I do not remember the day.

8951. Shortly after that; the 17th?—(*Mrs. O'Donovan.*) Yes, some time after. Oh, the date is here, (*refers to a newspaper*) June the 20th.

8952. Was that letter answered?—(*Mrs. O'Donovan.*) I got no answer. I never got an answer to that letter since.

8953. Did you not go to Ireland about that time?—(*Mrs. O'Donovan.*) Yes, my lord. I went to Ireland on the 30th.

8954. Are you able to say whether a letter was sent to your London address?—(*Mrs. O'Donovan.*) I am perfectly certain that a letter did not arrive at my London address until the 2nd of July.

8955. (*Mr. De Vere.*) A letter from whom?—(*Mrs. O'Donovan.*) A letter from the governor of the prison.

8956. (*Chairman.*) On what date do you say you left London?—(*Mrs. O'Donovan.*) June the 30th.

8957. You received a letter from the governor of this prison, Mr. Bate?—(*Mrs. O'Donovan.*) Yes, his letter telling me the Secretary of State— I is dated July the 1st.

8958. You were then in Ireland?—(*Mrs. O'Donovan.*) Yes, I was then in Ireland, but I was telegraphed to.

8959. (*Mr. De Vere.*) What day did you receive it?—(*Mrs. O'Donovan.*) It was the evening of Saturday, the 2nd of July.

8960. (*Chairman.*) Telling you that permission would be given?—(*Mrs. O'Donovan.*) I did not receive it. I merely received a telegram, telling me such a letter had arrived, giving permission.

8961. The telegram was not from the governor?—(*Mrs. O'Donovan.*) Oh, no.

8962. The letter was from the governor, and the telegram from your friends?—(*Mrs. O'Donovan.*) Yes, my letter to the Secretary of State has never been answered at all.

8963. (*Dr. Greenhow.*) When Mr. Fagan gave you permission, *Rossa*, to see your wife, in what terms did he give it? What words did he use, do you recollect?—(*Prisoner.*) I had a visit from my wife on the 5th of June. I will tell the circumstance. Mr. Fagan came on the 14th of June and I had my name down to see him for some time, and my wife told me on the 5th that she would reside in London some time and try to see me before she left London, and after talking whatever words I had with Mr. Fagan, I introduced

the subject of my wife's visit, and asked him if he would be pleased to allow her another visit before she would leave London, and he said "Yes," and you will find that application recorded here "approved." Then I did not like to see that Mr. Fagan would say this to me, and be a party to refusing it on the 17th of June in London.

8964. When you obtained permission for your wife to see you, did you not apply for an order to the governor?—(*Prisoner.*) Yes, that is a general custom, to apply for an order; but they never gave me orders. They give these orders to the ordinary prisoners, and let them direct them to their friends; but since I came to this prison I never got an order. They sent off the order themselves when they granted it. I never got an order here as I used in Portland. I applied for a visit, and left the rest in their hands.

8965. Did Mr. Fagan lead you to suppose that he would send an order for your wife to come here, or did he say that if your wife came she would see you?—(*Prisoner.*) Yes, if she came.

8966. (*Chairman.*) You cannot tell the exact words?—(*Prisoner.*) No. I applied for the visit, and he gave it.

8967. When did you come?—(*Mrs. O'Donovan.*) I did not come at all, my lord, at the time of the application. I had no knowledge that I would be allowed to see him, but I applied separately at Parliament Street to the chairman of the directors, and he refused it, my lord.

8968. My question was, after you received the telegram from your friends in London saying that there had been a letter received granting you permission to visit the prison, when did you come?—(*Mrs. O'Donovan.*) I did not come until Mr. Ollivant wrote again. I did not arrive here until—I do not know exactly what day I arrived.—(*Prisoner.*) Wednesday week.—(*Mrs. O'Donovan.*) Yes, about the 5th, I think.

8969. Wednesday week would be the 13th of July?—

8970. (*Dr. Greenhow.*) Your wish on this subject is rather to ascertain that Mr. Fagan has not treated you inconsiderately?—(*Prisoner.*) Yes, I would not wish to think badly of Mr. Fagan.

8971. (*Chairman.*) There was a wonder of the name of Douglas, whose evidence it appears would be important in reference to one of the complaints of your husband. Do you know where he is, or where his wife is?—(*Mrs. O'Donovan.*) Yes, I have seen the wife. She can easily communicate with him, and, if necessary, bring him back. But he has a situation in Scotland at present, and it will cost us the expense of bringing him here, and remuneration for the loss of his situation.

8972. What is his situation?—(*Mrs. O'Donovan.*) He is a night watchman, in Edinburgh.

8973. In Edinburgh?—(*Mrs. O'Donovan.*) Yes. I can get his address at once; if it is necessary that he should be here he can be telegraphed for.

8974. (*Dr. Ligon.*) What is his christian name?—(*Mrs. O'Donovan.*) James Douglas.

8975. (*Chairman.*) Where does his wife live? In Edinburgh?—(*Mrs. O'Donovan.*) No, my lord; she is living here, in town.

8976. The wife is living in Chatham?—(*Mrs. O'Donovan.*) Yes, quite close to the prison.

8977. We have no funds to pay the expense of witnesses coming. We have no power to do it. If anybody required was in the court service, we could send for him; but this man is not. We will consider it. We shall be perfectly ready to hear him if he should come, but I am afraid that we have no means

*Mrs.
O'Donovan
(Rossa).*
—

of sending for him?—(Prisoner.) My lord, under those circumstances, would it be expected my wife would pay the expense; that I would, through her, have to pay the expense?

8978. We have been obliged to say to several prisoners that we have to find out of which we can secure the attendance of witnesses, unless they are in Government employ?—(Mrs. O'Donovan.) He has been.

8979. He was, I know, in Government employ?—(Mrs. O'Donovan.) And he was obliged, in consequence of his evidence for my husband, to give up his situation here.

8980. (Dr. Ligon.) How do you know that, Mrs. O'Donovan?—(Mrs. O'Donovan.) His wife told me so.

8981. (Chairman.) It is possible in that as in other cases, that there may be two sides to a story?—(Mrs. O'Donovan.) It is generally believed, my lord. (Prisoner.) I would be reluctant that my wife should go to any expense. (Mrs. O'Donovan.) If it is necessary, I would. (Prisoner.) I was speaking to you, my lord, about Mr. McCarthy Downing. I wrote to him on Friday, and I do not know whether the letter will be stopped by the Secretary of State, because the letter I wrote a week before came back to the prison, as the Secretary of State stopped it.

8982. If your letter was one in reference solely to the purposes of this investigation I suppose it would be sent?—(Prisoner.) I think, my lord, if you ask for the letter, you will see that it contained nothing but what refers to the investigation.

8983. That is the second letter?—(Prisoner.) The letter I wrote last Friday from this prison to Mr. McCarthy Downing, I say that it had reference solely to this Commission.

8984. (Mr. De Vere.) You do not know whether it has been sent to him?—(Prisoner.) The first did not; it came back, but I do not know that of the second letter.

8985. May I ask you whether the second letter contained any request to bring any documents to you?—(Prisoner.) The first letter did.

8986. I am asking you did the second?—(Prisoner.) That is the one I wrote last Friday?

8987. Yes.—(Prisoner.) No, it did not; but the first one did, that he would get a copy of the report of Messrs. Knox and Pollock for me.

8988. (Chairman.) We will inquire about the second letter. Your wife will be recalled when we get the second letter from Portland. Have you any wish that any further questions should now be put to her?—(Prisoner.) Mr. De Vere asked me a few days ago what did I mean to have done, when I said I laid the matter before you to do me justice in the case. I said, to have those papers destroyed if they were in an official place, that charged me with writing to another man's wife. There is Knox and Pollock's report, I understood that only involved me more in the matter.

8989. We are quite prepared to enter fully into the matter, so as to satisfy your wishes, and whatever conclusion we come to we shall put in the report, and if that conclusion be in accordance with your view it will clear you. All I can say is, that we will inquire into it, and put in our report the conclusion at which we arrive?—(Prisoner.) In your sitting at Portland, my lord, would you think it proper to have me

The prisoner and his wife withdrew.

in Portland, if anything I have stated is contradicted there?

8990. If it is contradicted, we shall consider how we shall deal with it?—(Prisoner.) Thank you, my lord.

8991. Do you wish to say anything, Mrs. O'Donovan Bessie?—(Mrs. O'Donovan.) No, my lord. (Prisoner.) Except that a length of time she was in America without hearing from me, and I having written those letters, it may be calculated to make in her mind about my forgetting her.

8992. How long were you in America without hearing from him?—(Mrs. O'Donovan.) Three years, my lord.

8993. How many letters did you write during that time?—(Prisoner.) I have laid before you six suppressed letters, and one I did not get; seven suppressed letters.

8994. You say that you were in America three years without receiving a letter?—(Mrs. O'Donovan.) Yes, my lord.

8995. Was your address known in America?—(Mrs. O'Donovan.) Oh yes.

8996. Were you moving about or stationary?—(Mrs. O'Donovan.) I was moving about. I travelled all over the States, but then there was a permanent address in London where my Irish letters went.

8997. (Mr. De Vere.) You are quite satisfied that it was through an neglect on your husband's part that the letters were suppressed?—(Mrs. O'Donovan.) Quite satisfied.

8998. (Mr. Brodribb.) In the course of that time can you tell how many letters you wrote to him?—(Mrs. O'Donovan.) I do not know how many I wrote.

8999. You do not know how many?—(Mrs. O'Donovan.) I do not.

9000. (Chairman.) You wrote more than one?—(Mrs. O'Donovan.) I wrote frequently to the governor.

9001. (Dr. Ligon.) You got your other Irish and English letters in due course while you were in America?—(Mrs. O'Donovan.) Oh yes, sir. The letters were not forwarded to me, for I had frequently letters from the governor of the prison saying my husband's misconduct in prison disabled him to the privilege of letters.

9002. (Dr. Greenwell.) Then you heard of him indirectly?—(Mrs. O'Donovan.) Yes, sir.

9003. (Mr. Brodribb.) Did those letters from the governor of the prison contain any account of his health?—(Mrs. O'Donovan.) They generally said his health was good as usual.

9004. (Dr. Greenwell.) Did the governor ever inform you that letters of his had been suppressed?—(Mrs. O'Donovan.) No, sir; they merely told me that he had been disabled by his misconduct. I can bring them.

9005. Oh no.—(Prisoner.) But, Mr. Greenwell, you will see that I did write letters, and if I was disabled to write by my misconduct, I could not have written them. I wrote the letters; they were suppressed. I would not mind if they told her that I wrote letters and they could not get one.

9006. I asked the question with the view of finding that out. You see, she says they did not mention you had written. I thought they might have mentioned it?—(Mrs. O'Donovan.) No, sir; they did not.

9007. (Chairman.) You are satisfied I suppose that he wrote many letters to you which never reached you?—(Mrs. O'Donovan.) I am perfectly satisfied he wrote letters which never reached me.

Dr. BURNS recalled.

9008. (Chairman.) Were you here in 1868, Dr. Burns?—I was, my lord.

9009. The whole of '68?—The whole of it. I have been here ever since the prison was established.

9010. Then you were medical officer here during June, July, and August in that year?—I was.

9011. Were you cognizant of the fact that the

prisoner O'Donovan Bessie was under punishment frequently during that time?—I was.

9012. Were you cognizant of the fact that he was ordered to be put in handcuffs on the 17th of June?—I am not aware of the date. I know he was in handcuffs, my lord.

9013. Between the 17th of June and the 21st of

July can you tell us how often you saw him?—I saw him every day.

9014. Every day?—Every day.

9015. How you conversed with him or not?—I did, nearly every day.

9016. You saw him with handcuffs on?—I did.

9017. In what position were those handcuffs?—To the best of my recollection for three days they were behind and the remainder of the period before.

9018. You saw him after those three days expired. Can you say with confidence that when you saw him with the handcuffs on afterwards they were not behind?—I certainly did see him with handcuffs before; but I think the first three days they were behind.

9019. At what time of the day did you see him ordinarily?—I think it was 10 o'clock. At 10 o'clock I go bye generally.

9020. Not at the time of his meals?—No, my lord; no; but he was released from handcuffs at meals and at night as a rule.

9021. But are you able to tell us with confidence, that seeing him frequently during that period, after the first three days you never saw him with his hands handcuffed behind him?—I do not think I did, after the first three days, but I cannot speak confidently with respect to it.

9022. Do I understand you to say that you do not speak with certainty?—I do not speak with certainty. I cannot speak with certainty.

9023. I infer therefore that it is possible he may have been handcuffed behind without your being able to make a statement to that effect?—Exactly, my lord, although I think my attention would have been called to it. If he had been longer than a certain number of days, my attention would have been called to it; but it was not.

9024. (Dr. Egges.) Called by whom?—I say my attention should have been called to him if he was handcuffed more than three days, for that is generally the limit in separate cells and low diets.

9025. (Chairman.) How is happened to you so become aware of other cases in which the handcuffs were placed behind?—I am aware whenever there is such a thing.

9026. Have there been many such cases that came under your observation?—No.

9027. Have there been any?—Yes, I think there was one at that very time.

9028. Who was that?—I think it was Oag.

9029. Was he handcuffed behind?—I think he was, at that very time.

9030. Have you known any prisoner to have been handcuffed with the hands behind his back, within the last two years?—I fancy that I had occasion to confine a man. I fancy there has been one, but not more than one also. I fancy that. I know there was a man I had. It is not a punishment, my lord; it is not considered a punishment here; it is a restraint.

9031. A man under report for violence would be handcuffed; would he not?—Not unless he was so violent that they would be afraid he would assault some one. Chalmers was a violent man.

9032. When put into the dark cell is a man handcuffed there?—Not in the dark cell usually, my lord.

9033. Have you known any instances of handcuffs being retained on the hands of a man in the dark cell?—I think they were in the case of Ross.

9034. Have you known other instances?—It is so near as conjecture, my lord, that my memory will not help me to point out any particular case.

9035. (Mr. De Vere.) Can you state to us, Dr. Burns, whether, when a man's hands are handcuffed behind his back, it might not be possible for him to bring forward one or both hands in such a way that you might see them in front?—He cannot possibly do it. It is perfectly impossible.

9036. Are you quite sure of that?—Perfectly certain of it. When he makes "attention" before me he cannot possibly bring both hands forward.

9037. Could he bring one hand?—He might show the thumb of one hand.

9038. Could he show the whole of one hand?—I do not think he could.

9039. (Chairman.) Not if he stood square?—Not if he stood square.

9040. (Mr. De Vere.) What is the length of the chain between two handcuffs?—There is no chain at all; it is a link. I had occasion the other day, to get one man put in iron, the hands behind the back for a short time, a very short period; in fact it was only for a short time.

9041. (Chairman.) What was it for?—It was the governor did it; he was very violent.

9042. (Mr. De Vere.) During the time that O'Donovan Rossa was handcuffed, he was in a dark cell?—For a short while.

9043. And the handcuffs were exceptionally constrained on him in the dark cell?—I do not think exceptionally. He had them on when he was put in there. I do not think that would alter the punishment; they are for restraint.

9044. You stated, I think, in answer to Lord Devon, that it is most unusual for a man to have handcuffs on him in the dark cell?—It is.

9045. And I think you also said that Rossa was handcuffed in the dark cell?—I think he was. To the best of my recollection he was handcuffed in the dark cell.

9046. (Chairman.) Did you visit him there?—I did; I visited him there.

9047. (Mr. De Vere.) Did he complain to you of injury to his hands from the handcuffs?—There was no injury. He may have complained that they hurt him.

9048. Did you examine his hands?—I did.

9049. What did you find?—Nothing the matter whatever.

9050. Did you find any appearance of a nip?—No, nothing of the kind. They were perfectly fairly put on.

9051. Would you be surprised to find that any of the warden had given evidence that there were abrasions of the wrist?—I should be very much surprised because this would should call my attention to it.

9052. Do you remember when O'Donovan Rossa was in the dark cell on the 8th of August 1868?—I cannot. I have no memoranda of that kind.

9053. Do you remember at any time in the month of August '68 that he was removed from Number 3 to Number 2 cell, by your order?—He never was put in a dark cell by my order.

9054. No; but at one time that he was in the dark cell in the month of August 1868, he was removed from Number 3 to Number 2 dark cell, by your order?—Oh, that possibly might happen. I have ordered men to be removed from one cell to the other, because I thought it too close and not sufficiently ventilated. I have frequently when I visited a man and found it not so well ventilated as it should be, have had him put into another to give him ventilation. There are only two.

9055. Can you state why you ordered him to be removed from Number 3 to Number 2 dark cell?—It would be to improve the ventilation.

9056. Is one of these cells better ventilated than the other?—No; but as the other had been unoccupied, I thought removing him would be a benefit.

9057. Did you make the order in consequence of perceiving that his health was suffering?—No, I did not, and had I found that his health was suffering, I must have recommended the governor to have released him.

9058. Did you at any time find that his health was suffering at any period between June and the end of August, '68, in consequence of the discipline that he was undergoing?—His weight and appearance were reduced, in consequence of the low diet that he was placed on, but beyond that I do not think his health suffered. He appeared reduced in face and reduced

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in appearance from the bread and water diet that he was placed on.

9039. Do you think it possible that a man could be on bread-and-water diet for 12 days out of 15, and in dark cells at the same period for eight days out of 15 without suffering in his health?—I think that he would be reduced to bulk, but I do not know that his health would suffer. It would not be improved, certainly. His reduced diet might certainly injure his health to a limited extent possibly, although not appreciably. I cannot say it would improve his health.

9040. I am asking you this question, not with any particular reference to O'Donovan Rossa's case, but with regard to prison discipline generally?—I think with regard to prison discipline generally you cannot possibly avoid it; and there are men who are actually thriving on penal diet. There are two men at this moment whom this low diet does not seem to disagree with in the least.

9041. Is there not a distinction between punishment diet and penal diet?—There is; one is bread and water and the other is meat.

9042. (Dr. Lyons.) The other is what?—Meat; I think it is Indian meal and milk.

9043. (Mr. De Vere.) Do you think it likely, taking a period of 15 or 16 days, that a man could be for 12 days on bread and water, and for eight of those days confined in a dark cell, without injury to his health?—I think that he might without injury to his health, but that punishment could not be continued long without doing so—without becoming injurious to his health.

9044. Do you think that as an ordinary rule, it would be safe to a man's health to leave him 10 or 12 days on bread and water, and eight days in confinement in a solitary, dark cell, out of that period of 15 or 16 days?—The rule is, not to keep him longer than three days, but with a prisoner that misconducts himself I do not exactly understand how it is to be avoided.

9045. That is not my question. I ask you as a medical man whether you think such punishment would be likely to be injurious to his health?—It would certainly cause me to look after him sharply, and if I found him injured I should report it; but I could not stop the punishment unless I saw injury to health likely to ensue.

9046. Might there not be great constitutional disturbance and great injury to health, without the appearance of any direct symptoms that would call for any immediate active interference?—No; there are several things probably that would cancel the effect of it; from having no exercise, and one thing or another, he would be placed in a position more likely to be able to bear that punishment than an ordinary person would be.

9047. Do you think a man would be more likely to bear low diet, bread-and-water diet, without injury, if he was also deprived of air?—No, but if he was deprived of exercise.

9048. If he was deprived of air as well as of exercise?—Certainly, it would be injurious to health; but he is never kept in such a place longer than three days, which never yet has been injurious; if longer, I think it would be so.

9049. If he was confined in a dark cell eight days out of 15, and ten or twelve days out of the same period on bread-and-water diet, I ask you again if that is not dangerous to health?—He cannot possibly be so for such long intervals. They are not allowed to keep him more than three days in dark cells; he must come out, and they cannot put him in within 24 hours as a rule.

9050. There must be an interval of one day after every three days?—After every three days.

9051. Well, taking into account the possibility of those intervals, would you say that confinement continued, with such intervals, to the extent of 14 or 15 days would not be injurious to health?—I think it very likely to be injurious to health. It possibly might be.

9052. (Cheltenham.) On visiting O'Donovan Rossa during that time, did you consider it injurious to his health?—I did not, my lord.

9053. Can you tell us how often you saw him?—I saw him every day.

9054. Do you speak confidently as to that?—I speak confidently as to that. I saw all these every day.

9055. Do you go into the cell, or do you see them at the door; or is it that the warden first goes and asks if he wishes to see the doctor?—No; if he is in the dark cell I go in and see him, or have him brought out to me.

9056. Supposing he is in a penal cell, what do you do?—In a penal cell I should go and see him at the door.

9057. Would the warden ask the prisoner first does he wish to see the doctor?—No, not if he is under punishment. I would see him as a matter of course, and I did see him as a matter of course.

9058. (Dr. Lyons.) I think your recollection goes to show that O'Donovan Rossa was handcuffed with his hands behind his back three days?—I would swear to it. I remember it perfectly.

9059. You are certain of three days with the handcuffs behind?—I am; I remember it perfectly.

9060. For what longer period was he handcuffed in any manner?—I should think about three weeks.

9061. Three weeks longer?—Yes; but I think that the hands were before him at that time.

9062. Would you be surprised to learn that the time was considerably longer than three weeks?—It might have been, but I do not think it was a month.

9063. You do not think it was a month?—I do not think it was so much as a month.

9064. What would you say if you were told that it was more than a month?—I think it was not a month.

9065. Then would your evidence be that you do not think it was so much as a month?—I do not think it was a month.

9066. But I suppose you would not attach much importance to your mere recollection?—I do, so far as that goes; because I had given it a good deal of thought at the time in going round. I think it was within a month.

9067. Do you now say that you think he was not handcuffed for a full month?—He was handcuffed for a month, and three days he was handcuffed with the hands behind his back.

9068. Do you think that the whole period covers three days when he was handcuffed with the hands behind his back, and a month when he was handcuffed in some way?—I cannot speak to a day, or within a certainty to a few days, because it is not a thing of which I took note.

9069. At what periods of the day did you see him?—In the morning, about 10 o'clock.

9070. About 10 o'clock?—10 o'clock each morning.

9071. About the middle of the period in which he was handcuffed, by your own statement, can you remember distinctly having visited him on any special occasion?—I remember a great many occasions on which I spoke to him.

9072. Take some time about the middle of the period during which you say he was handcuffed; can you remember distinctly when you saw him in the morning at your visit, how he was handcuffed?—He was handcuffed with the hands before him. I recollect that perfectly.

9073. Do you recollect that perfectly?—Yes, I do. I recollect seeing his hands handcuffed behind him at the commencement of the time, and my attention was called to it, and I asked what was the reason that he was handcuffed in this way, and I was told the reason at once; that satisfied me.

9074. That it was for an offence committed against the governor?—Yes, for an offence committed against the governor.

9075. Take the 1st of July; have you any distinct recollection of seeing him on the 1st of July?—I cannot say to any particular day, but I know the conver-

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sation used to run, and in regard to his complaints, but his having done this, and he professed himself to be exceedingly sorry, that he had acted like a fool; and he seemed to be very sorry for it.

9086. He seemed to be very sorry for it?—Yes, he did.

9087. Was your visit always at the same hour?—Very nearly. I am always rather punctual.

9088. Was it any part of your duty to observe how he was handcuffed?—None.

9089. Then your observation as to whether the irons were placed in front or behind would be a mere casual one?—It was a matter of no object to me.

9100. It was no part of your duty to observe in what way the handcuffs were placed?—It was no part of my duty unless he complained of injury. By-the-by he did.

9101. I was going to ask you did he ever complain that the irons cut or scraped him?—He complained of its being inconvenient, and of his being treated in that sort of way.

9102. When was that?—I suppose that was about a week after this had happened.

9103. Did you see him particularly that day?—No, not particularly. He talked to me, and we were engaged in conversation.

9104. Did you see him through the cell gate?—I did.

9105. Was the iron door open?—During that period they did not open the door at all.

9106. They did not open the door?—No; and I did not press it because it was a precautionary measure, where he might commit some offence during that period, and I would be to blame to allow it to be done.

9107. Did it most often happen that when you saw him, you saw him without the gate being open?—I might occasionally. The door was open, but the iron gate was not. I saw him through the iron gate. There are two doors. The prisoner's door was open; that was always opened, and he came up to the iron gate.

9108. Then it would be a mere matter of casual observation on your part to notice how he was ironed?—It would; but at first it struck me at once; in fact I met the governor coming out of the prison at the time.

9109. If you were told that he was handcuffed with his hands behind, and that you had not observed it, would you be surprised that you had not observed it?—He might have been for a day or two between, but it really did not strike me. It did not strike me as being so; in his cell he had the hands before him.

9110. Would you speak positively with regard to his being handcuffed in either form, either in front or behind, during the middle part of that period?—I would say with regard to the middle part of the time that his hands were handcuffed before him.

9111. Do you judge that from the general discipline of the prison?—No, I think my attention would be called to it if it was otherwise, because my attention was called to it on first finding them behind.

9112. Still it was no part of your duty to observe how he was handcuffed?—It was no part of my duty. I merely observed it.

9113. It was a matter of casual observation?—Casual observation.

9114. During all this long period throughout which he was under punishment one way or another, which includes from the 1st of June to the end of August, did he make any complaints, medically, to you?—No, I think none. This was in '68, so—

9115. It was in '68?—No, I think not.

9116. From the 1st of June to the end of September, '68?—No, I do not think it was.

9117. Have you any special notes of his case?—I have none.

9118. During the greater part of the period he was under bread and water; was it your duty to observe particularly whether that long continuance of bread and water was acting injuriously on his health?—I never acted injuriously on his health. He was released generally at the end of three days; but he used

to get in again for some punishment. I do not even know what the punishment was for. He was taken out after three days.

9119. For a great many days between the 1st of June and the end of August, he did undergo bread and water?—He did, a great many times.

9120. Did you observe any deterioration of his health during that period?—I did not.

9121. It seemed to agree with him?—No, I cannot say that it agreed with him. The men used to emaciate on it.

9122. Did he emaciate on it?—Yes, he did.

9123. Have you any record of his weight during those three weeks?—If there is a record it is in his description sheet.

9124. His general record about it?—No, the medical history sheet.

9125. Is there a medical history sheet?—I think there is. I think I took one.

9126. Would you like to refer to it?—I would very much. I can get the original if you wish.

9127. If you please. Go and get the original.

[Witness withdrew and returned after a short absence.]

9128. Do you produce the original book?—This is my Journal for that time, and I find that Chalmers is the man that was under observation at that time; and he was only allowed—

9129. Now look to your entries with regard to O'Donovan Rossa, between the 1st of June and the 3rd of September 1868?—There is no weight taken until the 23rd of May, 1869.

9130. Was there any kind of medical observation whatever with regard to him in the interval between the 1st of June and the 3rd of September 1868?—He was visited once a week in the usual way, and once a day while he was under punishment.

9131. But in there any entry in your Journal with regard to him during that period?—At what time, sir?

9132. Between the 1st of June, '68 and the 3rd of September '68?—There is no entry whatever.

9133. But from your recollection, do you state now that you observed him to be emaciated?—I observed him to be emaciated as prisoners do while on bread and water; but nothing deteriorating to his health nor did he have any complaint.

9134. He made no complaint?—He made no complaint at the time.

9135. (Mr. Brodribb.) Dr. Burns, you seem to remember very clearly that O'Donovan Rossa was handcuffed with his hands behind his back three days?—I do.

9136. Do you feel at all equally clear that he was not handcuffed with the hands behind for a longer period?—I do not think that he was. He may have been for a few days, but certainly not the greater part of the time. They were removed to the front.

9137. You have a clear recollection of seeing him with his hands handcuffed in front?—I have, during that period.

9138. And are you certain that those occasions on which you saw him with his hands in front were not occasions at which he was taking some meal, or preparing to take some meal?—No; I think that my visits have generally been from about 10 to 11 in the morning.

9139. Would he be taking a meal about that time?—He would not be taking a meal at that time.

9140. Have you any clear recollection of the change from the manacled behind to the manacled in front?—No, I have not. I have not.

9141. Do you recollect his ever complaining of the handcuffs pinching his wrists?—I do not. He felt uneasy from the wear, but nothing more than that. There was no injury occasioned by them.

9142. But he did complain?—He complained of the handcuffs themselves being an annoyance to him—to say that he was subjected to them.

9143. Can you recollect whether when he so com-

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plained the hands were behind or before?—Well, I think they were before.

9144. You do not feel very certain?—I am not certain to the time, so that I could speak of any one moment; but I am confident in my own mind that the greater part of the time they were before; but the first three days he had them behind. I am perfectly certain of the first three days, because I made some inquiry and was told that he was to wait the director's visit. I think that is what the governor said at the time.

9145. I dare say you are aware that the director's visit did not take place for a fortnight after he was first manacled?—Exactly.

9146. Bearing that in mind—The director's visit took place on the 1st of July.

9147. Do you feel certain that he did not remain manacled behind up to the date of the director's visit?—I cannot say. I have no data. I should be very sorry to state any particular time.

9148. Do you think, then, on the whole that he might have been manacled, I may say a month or more, with his hands behind his back, without your being able to recollect it?—No; he was not manacled one month to the best of my knowledge.

9149. Do you mean that he was not manacled at all for so long?—Altogether beyond a month.

9150. Supposing you were to find by reference to the books of the prison that it was otherwise?—It possibly might be.

9151. And that he had been manacled more than a month?—That might be too.

9152. Would that not shake your confidence in your own recollection with regard to the manacled?—No. I do not wish to particularise any particular day, but I should be very much surprised if it was beyond a month, for I think my memory would serve me better than that. I have not looked at the books, or made any inquiry respecting it.

9153. You stated your belief that he was once handcuffed while he was in the dark cell?—Yes, I think he was.

9154. Is your memory clear upon that?—Well, I think I remember his being handcuffed and being in the dark cell at the same time.

9155. Was that about the same time, or can you fix at what period it was?—I only remember that it was for hammering the door, or making some noise or disturbance.

9156. Do you remember in what month or what year it was?—No, I do not.

9157. Do you recollect his being in the dark cell in August 1868?—He was in the dark cell about that time.

9158. And do you recollect about that time being asked to look at his chest?—Well, I cannot say that that was the time.

The witness withdrew.

J. W. Marshall.

JOHN WILLIAM MARSHALL examined.

9174. (Chairman.) You are a warder in the prison?—Yes, sir.

9175. How long have you been a warder here?—Two years last April, sir.

9176. You came here in April '68?—Yes, sir.

9177. What parts of the prison were you stationed in, in the months of June, July, and August '68?—In D. division, sir.

9178. Is that the division in which the penal cells are placed?—Yes, sir.

9179. Were you at any time during those three months that I have mentioned brought into contact with the treason-felony prisoner O'Donovan Rossa?—No, sir.

9180. Not at all?—Not at all, sir.

9181. Did you not see him during that time?—No, sir.

9129. Do you remember ever prescribing a salve or anything to be rubbed to his chest?—I have often done so. He has often complained of pain in the shoulders.

9130. I am speaking of the chest. Did he ever complain to you when in the dark cell of some injury to his chest from violence?—No, never.

9131. Never?—Never; that I am positive of. He never complained to me of any injury from violence, nor in his chest, beyond—well, I do not think it was at that time that he complained of his chest. His usual complaint is a pain in the centre of the left scapula—the left shoulder blade. He has had no complaint of his chest. I examined his chest very minutely.

9132. Do you consider him constitutionally a strong man?—I think him a very strong man indeed, very.

9133. (Mr. De Vere.) Dr. Burns, I have asked you some questions as to the effect likely to be produced on the health by confinement in dark cells for a lengthened period with bread and water. I will add this question, whether you would think it conducive to health, or injurious to health, to remain in a dark cell on bread and water for two days without bed and bedding?—I do not think for two days it would be injurious to health in the slightest degree, to a healthy man.

9134. Lying on a board?—Lying on a board.

9135. (Chairman.) Are you now satisfied with the ventilation of the dark cells here, Dr. Burns?—No, my lord, I am not.

9136. You say that one is better than another, but that neither is satisfactory?—Neither satisfactory.

9137. You have some documents to hand?—I have in a copy of the bed-head ticket of O'Connell, and the medical case of O'Connell as furnished to the prisoner; also a table, showing the provisions returned by the treason-felony convicts from August '68.

9138. (Mr. De Vere.) Is it usual to keep a man in a dark cell two nights without bed and bedding?—It can be done, and is done.

9139. Is it done frequently?—Well, I think it is frequently done.

9140. (Dr. Greenham.) He has his clothes on?—Yes.

9141. Anything besides his clothes?—Nothing besides his clothes.

9142. Nothing to wrap about him?—Well, I think they are allowed a rug, but most of these men that are put in, are put in there for destroying their clothes or things, and they are put there to sleep for the night not to make disturbance or noise.

9143. (Mr. De Vere.) Would they not be just as likely to destroy their wearing apparel as their bed clothes?—They do destroy their wearing apparel, and sometimes tear up everything.

9182. Never?—No, sir.

9183. You were never called to aid any of the other warders in dealing with him?—No, sir.

9184. Are you quite sure of that?—Quite sure, sir. I went to the penal cells in December '68.

9185. You are quite sure, therefore, that you had nothing to do with O'Donovan Rossa during that time?—No, sir.

9186. You can give us no information of him during that time?—No, sir, not of O'Donovan Rossa.

9187. (Mr. Brodrick.) You are quite sure that you had nothing to do with executing him during any part of those three months?—No, sir.

9188. (Dr. Lysons.) Did you see him at execution?—No, sir.

9189. Not at all?—No, sir.

The witness withdrew.

WILLIAM HENRY examined.

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9190. (Chairman.) Are you employed in this prison?—Yes, sir.

9191. How long have you been here?—Three years and a half, sir.

9192. What part of the prison were you stationed in, in the months of June, July, and August '68?—The separate cells, sir.

9193. Is that what is called the penal cells?—Yes, sir.

9194. Were you there all that time?—Yes, sir; at intervals, sir.

9195. Had you charge of the treason-felony prisoner O'Donovan Rossa?—I had, sir.

9196. Were you a party to putting the handcuffs on when he was handcuffed at that period?—I used to be there at the time, sir.

9197. Did you ever place the handcuffs on?—No, sir; I never placed them on.

9198. Who placed them on?—Assistant-Warden Douglas, or Giddings, because they were senior to me, sir.

9199. But you saw what took place?—Yes, sir; every other night I was in.

9200. Every other night, you say?—Yes, sir.

9201. When O'Donovan Rossa had the handcuffs first put on, were his hands fastened behind him or before?—I could not positively say, sir, for certain, whether he had them on behind or in front.

9202. When did you first see him with his hands manacled behind his back?—When he was under report, sir, for an assault on the governor.

9203. That assault on the governor took place on the 14th of June?—I do not know, sir.

9204. How soon after it did you see him handcuffed?—The next day, sir.

9205. Then you saw him handcuffed on the 17th?—I suppose it was, sir.

9206. On that day were the handcuffs fastened behind or before?—I cannot say for certain, sir.

9207. You said just now that you saw him on one occasion with his hands handcuffed behind. When was that?—I cannot tell you that, sir.

9208. How many days after the assault was it?—It may be four or five. I cannot tell you the date.

9209. Just try and recollect. I told you when the assault was committed. You say now that you saw him to handcuffs fastened behind. Can you tell whether that was the first, second, fifth, or tenth day after the assault?—I do not know, sir.

9210. Did you see him with the hands manacled behind as more than one occasion?—Yes, sir.

9211. How many?—I should say the whole of the time, more than a month.

9212. More than a month with the hands handcuffed behind?—Not behind, sir, but handcuffed in front.

9213. How many times did you see him handcuffed behind?—A few, sir.

9214. Five times?—Yes, sir, more.

9215. Ten times?—It may be more, sir. In my opinion a month altogether, to the best of my opinion.

9216. Do I understand you to say that to the best of your opinion he was manacled with the hands behind for a month?—No, not behind, sir.

9217. Manacled one way or another?—One way or another, sir.

9218. But how many times was he handcuffed behind?—Most of the time I should say, sir.

9219. (Dr. Lygon.) Most of the whole period that you saw him?—No, but most of the time, sir.

9220. (Mr. Broadbent.) Do you mean most of the month?—Yes, sir, most of the month.

9221. (Chairman.) We have taken down that he was manacled altogether for more than a month?—About a month, sir.

9222. And that for most of that time he was manacled with the hands behind him?—Yes, sir.

9223. Where you present when the hands were released for meals?—Sometimes, sir, not always. I

used to be on duty there every evening. The meals were all served before we came in. I was sometimes present when the hands were released for his meals.

9224. (Mr. De Vere.) When his hands were released for his meals were they generally handcuffed before or behind?—Behind, sir, and then they were put in front of him.

9225. They were then behind?—Yes, sir.

9226. And they were put in front for meals?—Yes, sir.

9227. Did you on any occasion see him with his hands released for exercise?—I never was there at the time he was exercised, sir.

9228. You never saw him at the time of exercise?—No, sir.

9229. Were you ever there when his hands were released for the night for sleep?—Yes, every other night, sir.

9230. At the time when they were released to enable him to go to bed used they to be handcuffed behind his back, or in front, generally?—I do not know, sir.

9231. You cannot say?—No, sir.

9232. (Dr. Lygon.) Did you see him on any occasion, or had you charge of him when he had to go to the closet?—No, sir.

9233. Not on any of those occasions?—No, sir.

9234. Who would have charge of him then?—There were officers engaged all day, sir. Assistant-Warden Douglas was always there every day.

9235. How did it come that you had charge every second day?—I did duty there at night besides, sir.

9236. Was it your duty to superintend the removal of the handcuffs at night on any of the occasions on which you were on duty?—Yes, sir.

9237. And can you not remember distinctly what the position of the handcuffs was when they were removed for the night on those occasions?—Mostly behind, sir.

9238. Are you positive that when you saw him at night for the purpose of having the handcuffs removed, and having him released for the night, he was in most instances handcuffed behind?—Yes, sir.

9239. Are you clear and positive in your recollection of that?—Yes, sir.

9240. (Mr. Broadbent.) Do you remember the handcuffs being taken off at the close of each day and left off each night?—Yes, I remember them being taken off, sir.

9241. Could you recollect whether the handcuffs were behind then?—No, I could not, sir.

9242. Do you remember ever seeing him with the hands manacled in front excepting during meal times at that period?—No, I could not say, sir.

9243. Have you any clear recollection of having ever seen him with his hands manacled in front excepting when they were released from behind for purposes of meals or going to bed?—Yes, I recollect him having his hands in front.

9244. At what time and for what purpose?—After taking off the truss from behind, sir.

9245. Do you recollect seeing him within the month with his hands in front, except when they were brought in front for meals?—Oh yes, sir.

9246. On what occasions?—After they were taken from behind the back, sir.

9247. At what period of the day?—I cannot tell the period of the day. I have seen it when I would be in there.

9248. Have you seen him with the hands in front when he was not taking his meals?—Yes, sir, part of the time. Sometimes he had them in front.

9249. Sometimes he had them in front, but generally behind?—Yes, sir.

9250. By whose order were they sometimes put in front?—I do not know whose order, sir.

9251. Can you not give any reason for their sometimes being put in front?—No, unless when he used to be violent, and they used have them put on.

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9232. (*Dr. Greenlee.*) Was he often violent at the time?—Very often, sir.

9233. In what way did he show it?—On one occasion he showed it to me and the principal warder and another assistant warder.

9234. How?—We were ordered to take his things away one night. He got into a passion and threatened to strike the first person that would come near him.

9235. Had he his handcuffs on at the time?—No, sir.

9236. (*Mr. Brodick.*) Was that during the month?—No, not during the month, sir.

9237. Was it in the dark cell?—No, sir.

9238. (*Chairman.*) What did you do?—I was ordered to take off his clothes from him, sir, and not to use any violence. I had to catch hold of him.

9239. Did he strike you?—He pushed us about pretty freely, sir.

9240. Who was the other warder?—Assistant-Warder Giddings was one, and Principal Warder Ali-

The witness withdrew.

Jon Gimmere examined.

9248. (*Chairman.*) How long are you a warder here?—Four years, sir, and nine years in the service.

9249. What part of the prison were you in, in the months of June, July, and August '88?—In the separate cells, sir, at different periods of the day; not all day, sir.

9250. Did you during that time see the prisoner O'Donovan Rossa?—Yes, sir.

9251. Were you present when under an order of the governor's he was handcuffed?—No, sir. I saw him in handcuffs.

9252. When did you first see him in handcuffs?—The following day, sir.

9253. That was the 17th of June. Had he handcuffs on then?—Yes, sir.

9254. Were the handcuffs behind him or before him?—I do not remember, sir; not at that occasion.

9255. When did you see him again?—Next day?—I think very likely, sir.

9256. When did you first see him in handcuffs?—The day after he was had to be placed in handcuffs.

9257. That would be the 18th. How was he handcuffed then?—I cannot remember, sir, whether it was behind him or before him.

9258. Did you see him the next day, the 19th?—It is very likely I did, sir.

9259. Tell us when you first observed whether he was or was not handcuffed behind?—I cannot remember, sir.

9260. Did you ever see him with his hands handcuffed behind his back?—Yes, sir.

9261. Was that in June, July, or August?—I cannot remember, sir.

9262. Did you ever see him with his hands handcuffed before him?—Yes, sir, during the time he was at his meals.

9263. Excepting that time, do you think that the hands were always handcuffed behind him?—Yes, sir.

9264. Always?—Yes, sir.

9265. For a month?—For—I cannot say how long; several days I should say.

9266. Several days?—Yes, sir.

9267. Was he in handcuffs to your knowledge for more than a month?—Well, I could not say, sir.

9268. What portion of the month were the hands behind?—All I know of him is during the time he was eating his meals.

9269. Then the hands were handcuffed before?—Yes, sir.

9270. Did you see before he began to eat his meals, his hands released from behind and brought before?—No, sir. I expect the officer did that.

9271. Who is that?—I believe Warder Douglas. He was Assistant-Warder Douglas then, sir.

9272. Supposing that O'Donovan Rossa was in handcuffs from June the 17th to July the 21st, can

you. He caught him by the private part at the time; he caught Principal Warder Allison by the private part.

9281. (*Dr. Greenlee.*) I understood you to say that his handcuffs were put on behind part of the time because he was violent?—He was noisy and used to kick up a row in the cell.

9282. But he was not violent during the month?—No, sir.

9283. The handcuffs were put on behind because he was noisy in the cell. Is that what you say?—Yes, sir.

9284. You are quite sure that for a month, or about a month, his handcuffs were generally behind him?—To the best of my opinion they were, sir.

9285. Were there any days during that month when they were in front?—I should think they were, sir.

9286. You are not sure?—I am not sure, sir.

9287. They might be on behind every day during the month?—They might, sir.

you say how much of that time he was with the hands behind?—No, I cannot, sir.

9290. But you saw him several days with the hands behind?—Yes, sir.

9291. Was the number of days that you so saw him five, or 10, or 20?—It may be 10, or 12, or 14, or 20, or more than that. I was in there a very short time in the day, half an hour before breakfast, half an hour, from a quarter to 12 to a quarter past 12, and after the supper time the same way, sir.

9292. Have you ever seen men handcuffed with their hands behind them for two days together?—No, sir, I do not remember only one.

9293. Who was that?—Was it Ong?—Yes, sir, I believe that was the name.

9294. How long was he handcuffed with the hands behind?—I could not say, sir, but not very long; one or two days.

9295. Then your answer would be that you saw O'Donovan Rossa for more than a month with handcuffs on, and that he may have been handcuffed 10 or 15 days with the hands behind. Is that your answer?—Not exactly, sir.

9296. What is the answer?—That I cannot say how long he was in handcuffs.

9300. Are you clear in your recollection that you saw him 10, or 15, or 20 days during the period he was in handcuffs altogether, and that of that time such a portion as you name you saw him with the hands behind?—My duty was to take his supper things away from him and place his handcuffs behind him.

9301. How often did you do that?—Every night, or nearly every night, sir.

9302. For a week or two?—Yes, sir.

9303. Three weeks?—Well, it might be that, sir.

9304. (*Mr. Brodick.*) When you took away his supper things did you find his hands before or behind?—Before him, sir.

9305. Did you ever leave him after supper with the hands before him?—No, sir.

9306. You never failed to replace the hands behind?—No, sir.

9307. (*Dr. Lyons.*) Who gave you orders to place his hands behind after supper?—The next officer senior to me, sir.

9308. Who was he?—Warder Douglas.

9309. Warder Douglas?—Yes, sir.

9310. Was he the person next in seniority to you?—Yes, sir. There was Mr. Allison.

9311. Were you always in attendance on O'Donovan Rossa at the time immediately after his supper?—Yes, sir, except anything occurred to take me from him.

9312. But were you officially in charge at that particular period of the day?—Yes, sir.

9313. Do you say that you distinctly remember unhooking the manacles which bound the hands in front, and replacing them behind the back?—Yes, sir.

J. Giddings.

9314. Do you remember doing that, distinctly, on several occasions?—Yes, sir.

9315. Night after night, after you took away his supper things?—Yes, sir. There was another officer with me at the time.

9316. Who was that other officer?—Mr. Hibbert.

9317. You actually took off the manacles from before and put them behind?—Yes, sir; we used to do it; took off one cuff.

9318. Describe how you did it?—We took off one of the cuffs from the wrist and turned it round.

9319. You turned his hand round?—Rossa would put his hands this way (*witness put his hands together behind his back*) and I would put the handcuffs on.

The witness withdrew.

THOMAS LEWIS examined.

9324. (*Chairman.*) How long are you a wonder here?—Three years, sir.

9325. What part of the prison were you in, in the months of June, July, and August '68?—I was doing duty in the prison, sir, in E. division.

9326. Were you during that time, or any part of it, on duty at the penal cells?—I cannot say, sir.

9327. Did you see the prisoner O'Donovan Rossa during any of those three months?—I believe in July, sir, I was ordered to march him to chapel two Sundays, but the dates I cannot say.

9328. You think it was in June or July?—It might have been, sir.

9329. Was he handcuffed at that time?—No, sir.

9330. Did you take off the handcuffs?—No, sir; I never saw him in handcuffs.

9331. Who would take off the handcuffs? Who was the warden in charge of him?—The warden in charge of him was Mr. Giddings, sir, and Mr. Hibbert. I was only superintendence of the time.

9332. Then you cannot tell us anything about the handcuffs?—No, I never saw anything about the handcuffs.

9333. Can you tell us at all what Sundays they were that you marched him to the Roman Catholic chapel?—No, sir; I cannot.

9334. (*Dr. Lysons.*) Did you never see him in handcuffs during exercise?—No, sir.

The witness withdrew.

HENRY NATION examined.

9347. (*Chairman.*) How long have you been a wonder here?—Two years and six months, sir.

9348. Do you recollect the months of June, July, and August 1868?—Yes, sir.

9349. Where were you then?—I was doing night duty and day duty in the separate cells, sir.

9350. (*Mr. De Vere.*) Night and day?—Yes, sir. I was put on for night duty, and after finishing that I was put on day duty, in June. I do not exactly recollect; it was either July or August. That was, I know, the month, say way.

9351. (*Chairman.*) You were on night duty at the separate cells in June?—Yes, sir, and a part of July.

9352. June and part of July '68?—Yes, sir.

9353. You had O'Donovan Rossa at that time under your charge?—Not under my charge.

9354. He was in one of the cells in that compartment of the prison?—He was in a penal cell and I was in the separate cells. If the man on duty there went on leave, I went to take his place.

9355. Do those two corridors communicate?—Yes, sir, with a lock between.

9356. How often in June were you on duty at the penal cells?—In June, sir; I cannot say, sir; I have been many times, sir.

9357. Did you see O'Donovan Rossa at the time that he was in the penal cell?—Yes, sir.

9358. About what day?—I could not tell what date. I reported him one day for singing in the cell; singing songs and breaking up his furniture.

gather behind his back) and I would put the handcuffs on.

9359. Do you remember distinctly unhooking one cuff, placing the hands behind, and then putting on the handcuffs?—Yes, sir.

9361. You cannot be deceived in your recollection of it?—No, sir.

9362. (*Mr. Bradrick.*) Did he ever resist on any of those occasions?—No, sir; never.

9363. (*Dr. Lysons.*) He always yielded quietly to have the manacles changed from front to rear after meals?—Yes, sir.

The witness withdrew.

9365. Or at any period of the day?—Not while he is in prison.

9366. (*Chairman.*) You never exercised him, I suppose, did you?—The two Sundays I was there marching him to chapel, after the chapel was over, I attended him to exercise the same time.

9367. He was without handcuffs?—Yes, sir.

9368. (*Mr. De Vere.*) If a man was undergoing handcuff punishment, would they be left on him in chapel?—I never saw a prisoner going to chapel with handcuffs on.

9369. (*Mr. Bradrick.*) If he was confined in a penal cell would he go to chapel at all?—Yes, sir, on Sundays, sir, I believe.

9370. (*Chairman.*) Are you quite sure that you were sent for, and ordered to take him to chapel on two Sundays?—Yes, sir.

9371. You are quite sure?—Yes, sir.

9372. At what period was it, do you recollect?—I cannot recollect the date, sir.

9373. Do you recollect was it in June, July, or August '68?—No, sir, I cannot.

9374. (*Mr. De Vere.*) Where did you find him when you went for him?—In penal class, sir.

9375. And you took him from the penal cells to the chapel?—Yes, sir.

9376. But you cannot say when those two Sundays were?—No, sir, I cannot.

The witness withdrew.

J. Giddings.

25 July 1872.

T. Lewis.

H. Nation.

H. Nelson.
25 July 1878.

the same with me. He tore the closet and all up, sir. This was a long time again, about a month or six weeks after he was handcuffed.

9372. I must ask you again, did you at any time see the handcuffs put on him except on that occasion?—Only the one, sir.

9373. (Mr. Brodick.) What makes you remember that occasion?—That is the only occasion that I ever had to see him handcuffed, sir. That is the only occasion I was taken round to see him handcuffed.

9374. How came you to be "taken round" on that occasion?—I do not think there was any other officer, sir.

9375. Do you remember about what time of the year it would be that you were told to go round?—No, sir. I could not tell within a week or a month.

9376. Was it in the absence of some other officer that you went?—It was, sir; in the absence of some officer I was taken round, sir.

The witness withdrew.

J. Dobson.

JAMES DOBSON examined.

9377. (Chairman.) How long have you been a warder here?—I have been 12 years and nine months, sir.

9378. Was that the time of opening this prison?—The prison was opened about 12 months before I came.

9379. How many years have you been here?—Eleven last December. I came from Millbank.

9380. What part of the prison were you doing duty in, in June, July, and August '68?—'68?

9381. Were you at the penal cells?—Yes, the penal cells.

9382. Was that the time O'Donovan Rossa was in the cells?—Yes, sir.

9383. Do you recollect the time when, in consequence of an assault on the governor, he was placed in handcuffs?—Yes, sir; I heard so, but I never saw him.

9384. You never saw him in handcuffs?—Never saw him, sir.

9385. What was your duty?—To guard him at night, sir.

The witness withdrew.

R. Bruce.

ROBERT BRUCE examined.

9405. (Chairman.) You are the storekeeper here?—The clerk and storekeeper, sir.

9406. Do you recollect, I think it was the 4th of July, when we went over the prison and visited the kitchen where there was a butcher's cart delivering meat at the time, and the attention of some of the Commissioners was directed to the fact that a portion of the meat supplied was tainted?—Yes, my lord.

9407. Do you recollect the circumstance?—Perfectly.

9408. I think you told the Commissioner who mentioned it to you, that the cart was at the door and that it would be sent back?—After it was examined, my lord. It was not examined at the time. I received the meat after it is examined.

9409. But your attention was called, I think, to its being tainted?—Yes, my lord.

9410. What was done with that meat which was so pointed out to you?—It was all examined by the deputy governor, my lord, and three pieces were returned.

9411. I forget the name of the deputy governor?—Captain Leggett.

9412. (Dr. Greenhow.) What sort of meat was it?—It was mutton; for the use of the infirmary it was intended.

9413. (Mr. De Vere.) For what fault was it returned?—In consequence of its not being exactly as sweet as it might have been. It was very hot weather at the time.

9374. Do you recollect the name of the officer?—No, sir, I do not recollect; but Douglas was the officer ought to have been in charge, sir. There were three of us went round. I cannot tell who the officers were, but I think Mr. Dobson was one.

9375. (Mr. De Vere.) Was Roberts an officer in charge of O'Donovan Rossa?—Every other night, sir.

9376. (Dr. Lyons.) Who is Dobson that you mentioned?—An officer doing duty in the penal cells, sir. Him and me were doing duty there. Dobson does duty in the penal cells, and if he was away I was put in there to do his duty, and another officer put to do my duty.

9377. Was he in charge of O'Donovan Rossa?—Dobson always was. He saw him locked up at night in his cell. He was in charge of the penal cells the whole time O'Donovan Rossa was there.

The witness withdrew.

9387. Did you come before he was shut up?—Yes, just before he was shut up. I saw him through the inspection hole, but he had no handcuffs on them.

9388. They were taken off before you saw him?—Yes, sir.

9389. Did you open the cell in the morning?—No, sir.

9390. Who else?—The officer that came.

9391. Do you say distinctly that you never saw him with handcuffs on?—Yes, sir. They were always taken off before I took my post.

9392. (Dr. Greenhow.) You heard that he was in handcuffs?—I heard he was, but I never saw him.

9393. (Chairman.) Then you cannot tell us anything about him?—No, sir; only just taking charge at night. I came; he was in the cell. It was my occupation to see all the prisoners when I took duty at 8 o'clock.

9394. Did you see him at dinner time?—No, I have not. I never saw him at dinner time.

9395. Did you see him at any meal?—No; I never saw him at any meal. The meals are always over before I get there.

The witness withdrew.

9405. (Dr. Lyons.) Are you quite certain that that meat was returned on that day?—Perfectly, sir.

9406. Quite certain?—Quite certain.

9407. No portion of that meat was retained and boiled?—There was some portion of the supply—the general supply; but the three pieces which were considered tainted by the deputy governor were returned.

9408. Had the deputy governor received the meat on that day before the Commissioners visited the kitchen?—The deputy governor inspected it after you had seen it. It was brought to the prison at dinner time, and the deputy governor pronounced it unfit to retain when he saw it.

9409. That was after we had seen it?—After you had seen it, and it was sent back.

9410. Would it have been discovered if I had not called attention to the fact that the meat had a bad colour?—It is quite possible it would not.

9411. Might it have escaped notice if I had not called attention to it?—I do not think it would. I think that the smell would call attention to it.

9412. You did yourself recognise that the smell was bad?—I did, sir.

9413. And that the meat was bad?—I do not think the meat was had exactly, but the smell.

9414. Had it not the appearance of bad meat? Had it not a very bad green colour?—One of the pieces was pointed out to me as green, but so far as I am concerned I could not tell, for I am partly colour blind.

9415. Colour blind?—Partly colour blind.

9416. To what colours are you blind?—Green, crimson, and red. I should never have known that it was green.

9417. How long are you colour blind?—I have been so over two years.

9418. What colour is that (red)?—That I should think is red. I should know that by the very fact of its being made of the cord here.

9419. (Chairman.) What colour is that (a book with a red cover)?—That I think is black, sir.

9420. (Dr. Lyons.) At all events I pointed out some of the meat as being bad, having a strong smell and green colour. Can you testify that those identical portions of meat were rejected and sent back?—I can, sir.

9421. And that proper meat was supplied in place of them?—Yes, we had it sent the next morning.

9422. Do you think it possible that meat which was admitted or otherwise objectionable could find its way to the pot?—I do not think so, because after it goes from us to the cook it is his duty to examine it, and if he finds anything the matter, it is his duty to report on it, not only to myself, but to the deputy governor.

9423. Have you ever observed meat after being cooked emit a bad smell?—I have sometimes, sir.

9424. You have sometimes?—I have sometimes.

9425. How long ago?—At Woolwich.

9426. But in this prison have you observed it?—No, I have never observed it in this prison.

9427. Have you ever observed the shin-of-beef soup to emit a bad smell?—Not at all, sir. I examine it every day, and it is done by the deputy governor before it is served. There is always a portion served out for his examination.

9428. Have you ever observed in the food any extraneous article not fit to be fit food?—No, sir.

9429. No refuse portion of any animal found its way, to your knowledge, into the food?—No, sir, not to my knowledge.

9430. A bit of cow's head with hair on it, or anything of that sort?—A piece might by chance get in with the neck.

9431. Have you known of such a thing?—I have heard of a complaint of a mouse having been found in it, but it turned out to be a piece of the animal that they generally leave on—a piece to handle it by.

The witness withdrew.

BREAN PRISONS examined.

9448. (Chairman.) How long have you been a warder here?—The last three years, sir. Three years the 2nd of September next.

9449. Is this your first situation in that character?—No, sir. I was five years in Gibraltar.

9450. In Gibraltar?—Yes, sir.

9451. In what part of this prison were you employed in the months of June, July, and August '68?—In '68—I was the 29th of July 1868, in the penal class.

9452. Had you not been there before that?—No, sir; I was—I cannot say how many times before—during night duty.

9453. Were you on night duty there occasionally in June?—No, sir. I came there permanently in July—the 29th of July '68.

9454. You said that you have been on night duty occasionally before that?—One or two nights, sir. I cannot say how many nights. That was in '67, sir.

9455. You went on night duty occasionally before the 29th of July '68, but on that date you went permanently?—I went permanently, and remained up to the 16th of last month.

9456. Was O'Donovan Rossa in one of the cells on the 29th of July '68?—He was, sir.

9457. Was he at that time handcuffed?—No, he was not, sir.

The witness withdrew.

They generally, in the London markets, leave on a piece to take hold of it.

9432. Have you known of such a piece of hide and hair to be found in the food?—I have never found it myself, but I have heard that it has been found.

9433. Do you think it possible that such a thing as a mouse, or the entrails of a fowl could fall into the food?—If it would it would be from the negligence of the cook. The inside of a fowl of course might. A mouse might from being in the kitchen.

9434. Are there many mice about here?—I have never seen them in the kitchen, but I have seen them in the stores.

9435. (Mr. De Vere.) Was that meat about which you have been asked intended for issue to the hospital?—Yes, sir.

9436. Is that meat supplied by contract?—It is, sir.

9437. For what period does the contract extend?—Twelve months; from the 1st of April to the 1st of March.

9438. Is the contract for mutton alone?—Mutton and beef, and skins. The contract is for the meat also.

9439. Is the contract for best meat?—It should be good, well-fed mutton, sir.

9440. There is a difference in contracts between "good meat" and "best meat." Is the contract for the hospital for "best meat"?—No, sir. It should be good, well-fed mutton.

9441. Is there any difference in quality between what you get and what you ought to get if the contract was for best meat?—There is a difference, sir. There is a difference on the whole, but sometimes we get mutton equal to any you might purchase in this town.

9442. Is there a difference in price?—There is a great difference in price, as much as threepence and fourpence.

9443. What is the difference usually?—1½d. per pound.

9444. (Chairman.) What is your contract now?—6d. a pound; 5½d.

9445. How long is that contract for?—For 12 months, my lord.

9446. (Dr. Lyons.) Is there not a regulation under which contracts for meat are taken?—Yes, sir; a specification.

9447. Will you be good enough to put a copy of it in?—Yes, sir.

N. Brown.

23 July 1876.

E. Pughall.

R. Evans.

22 July 1870.

ROBERT BRUCE recalled.

9466. (Chairman.) Do you hand in certain papers?

—Yes, the contract papers, my lord.

9467. You produce for the inspection of the Commission the contract papers?—Yes, copies of tenders, my lord.

9468. (Dr. Lynam.) Would you read the part that relates to the contracts for the supply of meat?

"The meat, having a fair proportion of fat, shall be properly fed, good, sound, sweet, and wholesome; and if the weather admit, shall have been slaughtered and dressed at the least 48 hours. The beef shall be ox, not under 2 and not over 8 years old, or heifer not under 2 or more than 4 years old; the mutton, whether or ewe, and shall be supplied in such proportions as may be required. The meat shall be good beef, mutton, sweet and fresh. The skins are to be fair cut and in sets. The meat shall be delivered at the contractors expense, at the hours to be specified by the governor or lady superintendent of the prison; the beef in quarters; the fore and hind quarters alternately; the bone from four inches above the knee and upper hock joint to be excluded; and the mutton in carcasses, excluding heads and shank below the knee and hock joints."

9469. (Chairman.) Is there anything about sending back bad meat?—All meat offered by the contractor shall be subject to the inspection and approval of a board of officers, and any meat rejected by them as not being in accordance with the conditions of the contract, shall be immediately removed by the contractor and replaced by meat of an unobjectionable quality. The meat having been passed by the board shall be cut up, divided and weighed by the contractor, in such proportions for the convenience of the prison, as the governor or lady superintendent may think proper to direct. If the meat be cut up in the prison by prison labour, an allowance of two per cent, shall be deducted from the weight of the clean meat supplied, to cover losses both of cutting up and waste on the block, in which case the four inches of bone above the knee and upper hock joint of beef, and shanks of mutton, will not be excluded; the governor or lady superintendent, having the option to have the meat cut up by prison labour. The governor or lady superintendent, or his or her delegate, shall have access at all reasonable hours to the premises where the meat is in course of preparation, and where the live cattle and sheep are kept in reserve, and the contractor shall immediately remove any animal, dead or alive, which the inspecting officer shall object to, as not being of the quality or kind stipulated for, and the inspecting officer shall also have the power of repaying by purchase, any meat, sheep, or cattle rejected by him which may be required to complete one day's issue."

9470. (Mr. De Vere.) Of whom does the board of inspection consist?—The deputy-governor and the cook, sir.

9471. The deputy-governor and the cook?—The deputy-governor and the cook. I am always present.

9472. Do you and the deputy-governor and the cook inspect every supply of meat that comes in?—Not every supply, sir. Not every supply; all morning supplies. The deputy-governor attends occasionally.

9473. What supplies are sent in that are not inspected?—Sometimes the skins of beef are not inspected, and sometimes the inferior mutton, which

comes in at mid-day, is not inspected by the deputy-governor, not being in the prison.

9474. Then if a bad skin of beef was sent in it would escape detection, would it?—So far as the goodness of it, as I am concerned; but there is a porter always present and inspects every skin as it gets in the scale from the butcher's cart.

9475. But the porter is not one of the board of officers constituted for inspecting the meat?—No, he is not; nor am I myself. In fact I am prohibited from serving on any board of survey.

9476. So far as the skins of beef are concerned, do the board of officers delegate their duties to the porter?—No, I am always present.

9477. But you are not one of the board?—No, I am not one of the board.

9478. Does it ever happen that you have rejected skins of beef not inspected by the board of officers?—Yes; if I should see a skin of beef that I would consider not good, I should not receive it.

9479. Might not the contractor refuse to take it back?—He would be perfectly justified in doing so; but I have never known a case of that kind to occur.

9480. Practically speaking, have you ever rejected any skins of beef?—Oh, yes.

9481. Have you ever heard complaints that the soup made from the skins of beef was bad?—I have not heard any complaints.

9482. You never heard any complaints against the soup?—Against the soup? I know the Fenians have complained of their soup, but I do not know that they complain of the meat being bad; but it is consequence of the soup not agreeing with them, as far as I know.

9483. If they were to complain of the meat being bad or insalubrious, to whom would they have to make the complaint, is it to you?—They would make it to the deputy-governor.

9484. What course would the deputy-governor take upon their complaining to him?—He would examine, if he had not already done so, with the medical officer.

9485. Would he examine you?—I should certainly be seen on the subject, and questioned as to whether the meat was fresh, if he had not been present at the time it was received.

9486. Can you say why it is, that there is no inspection by the proper board, of the skins of beef?—The deputy-governor not being in the prison at the time.

9487. Why should not the skins be brought in when the other meat is brought in, so as to be subjected to the same inspection?—The object is to get the skins of beef as fresh as possible. They are got at two, put into coppers, and stewed all night for next day's soup.

9488. Am I correct, then, in supposing that there is not the same inspection with regard to the skins of beef that there is with respect to the rest of the meat?—You are, sir, as a rule.

9489. (Chairman.) Do all the skins of beef pass under your observation?—They do, my lord.

9490. You see them all?—Yes, I am always present.

9491. (Mr. Bradrick.) Do they also pass under the eye of the cook?—They do, and if the cook sees anything, it is his duty to report it either to me or to the deputy-governor. Of course, being in the kitchen, he has a greater opportunity of seeing things in detail.

The witness withdrew.

C. Walmsley.

CHARLES WALMSLEY examined.

9492. (Chairman.) You are cook here, I believe?

—Yes, sir.

9493. How long?—13 months, sir.

9494. (Dr. Greenlock.) Do you remember something being found in the soup on one occasion here by any of the prisoners?—Yes, sir.

9495. Did you see the thing in question?—No, sir.

9496. You did not see it?—No, sir.

9497. Tell us what you know about it?—I had a report from Assistant-Warder Douglas, through the chief warden, stating that a piece of raw cowhide was found in one of the prisoner's soup, sir. Well, it would be impossible for such a thing to go from the kitchen. If there had been such a thing got in, it would be

cooking 18 to 20 hours, sir, so it would be totally cooked, and there would not be a remnant of such a thing.

9498. Then if it was found, it must have been put there intentionally after leaving the kitchen?—That was my impression, sir.

9499. Have you found things got into the soup accidentally?—No, sir.

9500. You never found a mouse in the soup?—No, sir.

9501. Do you think it impossible for a mouse to get into the soup?—Unless it was wilfully put in, sir.

9502. Or a rat?—No, sir, nor a rat.

9503. If a mouse got into the soup while making, what would happen? Would the mouse retain its shape?—If it was long boiling it would not, sir. These skins I have now will be steeping until to-morrow morning, and the meat all reduced to soup, sir.

9504. Do you think a mouse getting into it now would not appear to-morrow like a mouse?—No, sir; it would be boiled all away.

The witness withdrew.

The Commission adjourned.

Chatham Prison, Tuesday, 26th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
STEPHEN E. DE VEEB, Esq.

DR. LITSON.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

JEREMIAH O'DONOVAN (BOSSA), prisoner, recalled.

9512. (Chairman.) O'Donovan BOSSA, I must inform you in the first place that the letter has not been yet received by us which we sent for, and we cannot therefore go into that matter. We have telegraphed for it again. We will now proceed with your printed statement. In the second paragraph of page two you state: "I felt it pretty hard to be falsely charged with ill-health, and to be punished on such a charge." I was daily doing the amount of task work struck out for me." Will you explain to what you refer there, giving the date and all the particular circumstances of the transaction?—Yes, as far as I can, my lord, but allow me just to ask a question, my lord. Would you be able to allow me have a copy of these papers that I laid before you, any that you have printed?

9513. Yes; you can have your own written copy. (Prisoner is handed the document).—Well, I cannot see the passage, my lord; but however I will answer the question. That was, my lord, in the report that I think you will find entered on the 2nd of July, in Millbank.

9514. Was that in the year '67?—Yes, I think in '67, the year of Knox and Pollock's Report.

9515. Well now, tell us what it was that occurred?—Previous to that time, some time, I was in Millbank from February, the first month or two I got out to pick, a certain amount of it each day, and on two occasions I was punished for not doing the whole of this. I got two days' bread and water and duck oil for not picking this oil.

9516. Who reported you?—I think the officer in charge was a man of the name of Brown, my lord.

9517. Was that the same man who was afterwards here?—No, my lord, another man.

9518. You were placed on two days' bread and water you say?—Each time, twice, that was four days for not doing this work.

9519. Are you able to say whether you had done the work or not?—I had done the work, my lord.

9520. You say here, "to be punished on such a charge," that is ill-health, "while I was daily doing

9505. (Dr. Litson.) Are there any bowls prepared for use in the kitchen?—Yes, sir, for the infirmary at times, not always. I have none now for the infirmary.

9506. Are the bowls drawn, and are the entrails taken out in the kitchen?—Yes, sir.

9507. They are?—Yes, sir.

9508. Is it at all possible that the entrails of a fowl could get into the soup?—No, sir. I have them taken away, sir.

9509. I only want to know if, by any kind of accident, the entrails of a fowl could fall into the soup shortly before it is served out?—No, sir, for I am standing over it, sir, the whole time.

9510. Are the bowls prepared for dressing near where the soup is boiled?—The soup is at one end, and the bowls would be prepared at the other end, sir.

9511. Are the bowls prepared near where the soup is finally served out?—No, sir. I should think it may be 15 or 20 yards away, sir.

"the amount of task-work struck out for me?"—I was daily doing it after that up to the 1st or 2nd of July.

9521. I do not quite understand what you mean to convey. You were daily doing all the work set to you up to the 2nd of July?—The punishment I got, my lord, was in April, early in April, or the end of March, these four days' bread and water. From that time until the 1st of July I was daily doing the work, the task-work, my lord.

9522. Doing the whole of it?—The whole of it.

9523. Yes?—About the 1st or 2nd of July, my lord. I had the task done at a few minutes before the time that the officer used to come round daily to take it out, and weigh me in a lot for the next day; and I having it done this day, I tied it up as I used to do, and put on a string to have him weigh it in a small scale, and having it so tied up I took a book in my hand and sat down on the bedstead.

9524. You tied it up you say?—I tied it up, my lord. The officer came round and I had it tied up ready to give out to him to weigh it, and to take in another lot. So just a few minutes before the time he was to come, the chief officer in Millbank, Mr. Power, came round and saw me lying with the book in my hand.

9525. It was not a report from Power?—Power; and Percival was the officer in charge, my lord.

9526. Go on.—Power called Percival and asked him why was that man idle. I think my door was opened. I was asked, and I said I had the work done and showed it made up. "Report him for idleness," said he to Percival.

9527. What was the consequence?—The next day I was repaid for idleness, and I told the governor that I had done the amount of work that was given to me. I afterwards learned that the governor did not take down that reply of mine. Will I tell you how I learned it, my lord?

9528. Yes.—I got two days' bread and water for this offence, the offence of idleness, having the work

G. Walsby,
25 July 1870.

J. O'Donovan
(Boss).
26 July 1870.

J. O'Donnell
(Witness).
26 July 1925.

done. It was on that occasion I refused giving the salmon.

9529. That was in July '67?—July '67.

9530. By decision of the governor you got two days' bread and water?—Yes, and he did not take down my reply. I afterwards brought it before Captain Gambler, and asked him to go back and read my reply. He went back and read my reply, and my reply or what I said was not taken down. Then I asked of the governor why he did not take down what I said, that I had done the work, and he said it was of no importance.

9531. Who was the governor at that time?—Mr. Morris, I think. Then Captain Gambler, I believe, proceeded to correct the report, for I said—I do not know have I that copy, if not I ought to have it—at any rate Captain Gambler corrected the report. I suppose you will have it before you. The 2nd of July will be about the time.

9532. (Mr. Brodick.) On the 2nd of July there is an entry?—Idleness, and lying on his guard bed, at 3.65 p.m.

9533. (Chairman.) That was about 4 o'clock?—About 4 o'clock when the officer used to come round to take the work.

9534. The entry as far as it goes supports what you say as to the charge. It appears that there is no entry of what you said in your defence?—The governor said he would give me two days' bread and water, I asked could I appeal to the director. He said not. "Well then," said I, "It will be some time before I will do my task-work so quickly if I am to be punished for having it done. I will remain in my cell," said I, "I will remain passive in your hands, and not go into the dark cell." So I went to my cell and refused to go to the dark cell until they took me by force. They treated me—perhaps they will say they did not use more force than was necessary, but my throat was excoriated, and I felt their knuckles on my throat. I was reported again for this resistance, and when the officers came to take me to the dark cell again, I certainly, if I met those two officers that had caught me by the throat, and treated me in a manner that I considered they had no reason to do, and used more violence than was necessary; if they came again I would have unseated them if I could, my lord. I put the book behind the door, and they broke in the door, but that was necessary.

9535. (Dr. Lyons.) Can you give the names of those two officers?—Yes, one of them is Cooper, and the other—I will think of the name of the other before long. I cannot get the name of the other for you now Mr. Lyons; but some of the prisoners ever know him as well as I know him. During the day I will think of his name.

9536. (Chairman.) On the point upon which I was questioning you now, I understand you distinctly to assure us that you had done your work before you took up the book, and that you told the governor so?—Yes, my lord; I told the governor so; and, my lord, another matter. I subsequently asked the officer Perdon what work did he return for me that day, and he said the usual quantity, 18 ounces of work.

9537. On the same occasion?—Yes.

9538. On the occasion of their having charged you with not having done your work?—Yes, I recollect I asked the officer subsequently what he returned, and he said the usual amount that I required, 18 ounces.

9539. (Dr. Lyons.) Is there any entry kept of the work done daily by the prisoners?—There is, Mr. Lyons. The officer has a book in which he enters down the work I have done, and when you come to examine the matter you can refer to that book.

9540. I ask you is there a book in which your work is entered day by day. There is, Mr. Lyons, a work book. When I brought the matter before the director the excuse Mr. Power gave, that I had not done my work, was that the string that was around the work tying it, that that string was not done, that the string should be picked; because cord will separate out, and not fit close together, and I need every day tie a string

about it. When I showed that I had the work done, the excuse was then I did not pick the string.

9541. (Chairman.) That the string was part of the work?—Yes, my lord.

9542. (Dr. Lyons.) Was it usual to have the string unpicked?—Yes, I did it always. I kept a string to tie up the work.

9543. Did other prisoners do that?—I do not know, Mr. Lyons, but the handle I used to get was tied with a string.

9544. Was it ever objected to before?—No, it was never objected to before.

9545. (Chairman.) We will go to the next paragraph. You say discipline required that in a black-hole cell, you should be left during two nights, without bed, blanket, or even rug. When was that?—That was in this prison, my lord.

9546. On what occasion was it?—It was on an occasion that I refused to put out my bed in the morning. I asked Captain Harvey to have my bed left in my cell the same as in the other prisons. He said the bed was put out for the purpose of health. I told him it was done for prison discipline, for the purpose of punishing me, for fear I would have anything to rest on or sit on while I was being punished, and I considered there was a prison rule saying that no prisoner should be engaged in prison discipline, and that was prison discipline.

9547. What cell were you in at that time?—Number 6 cell, my lord.

9548. A penal cell?—A penal cell, my lord.

9549. In consequence of this refusal, I infer that you were put in the black-hole cell?—No; but that day I made some noise in my cell by reciting, and I was put in the black-hole cell, and an order was made that I should have no bed at night.

9550. Were you, in point of fact, left without bed, blanket, or rug?—Yes; two nights in this black hole.

9551. (Mr. Brodick.) In what month, do you know, was that?—It was in the year '68, and in some summer month.

9552. Was it in August '68?—I think it was in August '68.

9553. (Chairman.) After the assault on the governor?—Yes, August; I think it was during the 28 days' bread and water.

9554. (Mr. Brodick.) Was it not on the same occasion as when the struggle took place in the black-hole cell?—No, it was not; it was previous to that struggle. I can fix the date of it, by telling you that Captain Gambler visited the prison the day before, and visited me in cell Number 6 cell, the cell the water-closet was built in.

9555. (Dr. Greenhouse.) You had your clothes on?—Yes; I was left my clothes this time.

9556. Had you a mattress?—No, sir.

9557. Had you a rug?—No, sir.

9558. Had you bed-clothes?—No bed-clothes, or rug, or anything.

9559. Nothing but your body clothes?—Nothing but my body clothes.

9560. How long were you in the cell without any bed-clothes?—Two nights, sir.

9561. Two nights without a mattress?—Two nights without a mattress.

9562. You are quite sure that you had no rug?—Oh, quite sure, sir.

9563. (Chairman.) Was that by order of Captain Harvey?—I do not know whose order it was. I would not be surprised if it was the director ordered it, Captain Gambler, for he was here the day before.

9564. (Dr. Greenhouse.) Did it ever happen to you to be deprived of your body clothes in the dark cell?—Yes, sir.

9565. On what occasion?—On the occasion of my being there, and no order being made that I was to have no bed at night.

9566. Your body clothes?—No mattress at night. An order was made by Captain Harvey, on the report, which I think you will see in August. After the 28

days' bread and water, an order was made that I was to have no bed at night.

9567. I am now asking, if it ever happened to you to be in the dark cell and to have your body clothes taken away from you?—Yes.

9568. What had you on that occasion?—Two blankets and a rug.

9569. And a mattress?—No mattress.

9570. Do you mean to say that you were in a dark cell without a mattress and without any body clothes?—Yes, sir.

9571. You had a shirt I suppose?—A shirt and drawers.

9572. A shirt and drawers, with two blankets and a rug, but no mattress?—No mattress.

9573. On what occasion did that occur?—It was in August, sir.

9574. Do you recollect the offence for which it was?—For refusing to pick coils. I refused to work while I was kept under punishment.

9575. (Mr. De Vere.) I want you to fix the date more carefully. Do you remember being condemned to three days' dark cells with bread and water, on the 25th of July, and that that would last from the 25th of July to the 28th of July?—That cannot be. A special report against me for three days, sir?

9576. On the 28th of July you got three days' dark cells, and for two days, of it, that was from the 25th to the 27th, do you remember to have been without bed or bedding in consequence of your having refused to put out your bed?—Yes, that is about the time, sir. That is about the time.

9577. And then for the third day, namely, from the 27th to the 28th, was it not the case that you remained in the dark cell, but with the bedding?—Yes, I think so. I was some eight or ten days in dark cells these days, and cannot recollect the particular dates or things that way. I only recollect matters that fix themselves in my memory by some remarkable occurrence.

9578. Do you remember being in the dark cell from the 8th to the 9th of August, and on the 8th being removed from Number 3 to Number 2 dark cell by order of the medical man?—Yes, Mr. De Vere; one day I was removed, for I reported to the doctor the stench of my cell or something, and he removed me; and I was a day or two in the second cell.

9579. Can you state exactly the complaint that you made to the doctor about it?—I cannot state exactly, but I complained of the ventilation of the cell. All my time in dark cells was spent in Number 3, but this particular day or two in Number 2, when the doctor charged me under the circumstances you allude to.

9580. Again, it appears by the prison records that you were reported for not picking coils on August the 19th, and for noise, and that you were then placed in the dark cell from 11 in the morning to 5 o'clock in the evening of the next day?—Yes, I refused to pick the coils while I was under punishment.

9581. On that occasion were you allowed bedding?—It is on this and on a subsequent occasion, a few days after that, I was stripped of my clothes.

9582. On how many occasions do you remember having been in the dark cell without a bed?—Only on two occasions I remember; two or three; I do not know was I three, but I am sure of two. The two are, the time I had no bed at all, or bed-clothes, or anything, and this occasion that you refer to, that I was stripped of my clothes.

9583. (Chairman.) But you had bedding then?—I had two blankets and a rug, my legs; no mattress, no sheets.

9584. (Mr. De Vere.) On any of these occasions when you were confined in dark cells, were you housed during your confinement in a dark cell?—Well, Mr. De Vere, I cannot say exactly. I recollect saying, the state of my mind about these cells. When they deprived me of books in the light cells, and I could not get anything to pass away my time, I used to recite something, and try to pass the time as well as I could, and made a noise which passed me to the dark cell. When I was 35 days with my hands behind my back,

I was allowed books and tried to read by turning the leaves with my mouth and I made no noise, but when the 28 days of bread-and-water punishment commenced I made a noise. So I would not say I was in the dark cells during the 35 days I was in the frame, because I had books.

9585. Were you on any occasion kept in irons at night?—Not in this prison; in Millbank I was.

9586. During your 35 days in irons were you allowed books?—Yes, I was allowed a library book.

9587. You described the manner in which you turned over the leaves?—Yes; I used to put the book on the block and then turn upwards down my cell post and settle it on the cell post this way, and turn over the leaves with my lips.

9588. Are you prepared to say whether that mode of turning over the leaves continued during the whole of the 35 days?—Well, that was the way; that is the way I recollect I used to do it.

9589. During the whole of the time?—Yes. I recollect one of the books I had that time during a fortnight, is "D'Aubigny's History of the Reformation."

9590. During the whole time of reading "D'Aubigny's History of the Reformation," do you recollect turning the leaves that way?—Oh, yes.

9591. (Dr. Lyons.) You spoke of putting the book in a certain position, how did you do it?—I could use my hands so far as to put the book in the position. I sat down with my legs on each side of the block. You saw those blocks in the cells.

9592. Will you take this printed copy of your statement in your hand and look at the paragraph there commencing with the word "disobedient." There are two distinct allegations made in that paragraph, do you observe. Just read it?—"Discipline required that in a black-hole cell I be left two nights without bed or blanket, or even rag, and I should like to see the prison rule which authorises this."

9593. That is one of the allegations. The other follows that?—"To give me a rag and blanket, and to deprive me of my body clothes in such a place, is also what I experienced often."

9594. Did both these events occur?—Both these events occurred.

9595. Did they occur together or were they separated by an interval?—Separated by an interval.

9596. When did the first occur?—The first occurred during the 28 days' bread and water.

9597. And the second?—And the second occurred in the latter end of August. The 28 days' bread and water commenced in July and went into August, and the second occurred in the latter end of August. But in Millbank it very often occurred to me to be deprived of my clothes at night. Stop a while! no, it was in Portland that occurred to me, and I am not sure whether it occurred in Millbank; no, I do not think it did, for I recollect getting up one night and the officer came up to stop me. I think I had my clothes on, but in Portland the clothes used to be taken at night.

9598. (Dr. Greenleaf.) Was that in the dark cell?—In Millbank, it was a refractory dark cell; in Portland in a punishment cell.

9599. (Dr. Lyons.) Were you left a bed?—I got no mattress. The ordinary rule is to be deprived of bed, means to be deprived of a mattress and sheets.

9600. Do you mean to say that on several occasions it happened to you that you were deprived of your clothes, and left in a dark cell with only two blankets and a rug, and no mattress?—Yes.

9601. That occurred you say on several occasions?—I bring in to qualify that; for "often," at times, in Portland, when I use the expression, "very often." But I cannot say exactly how many times I was in these dark cells, but I am sure I was one night at the least. But I could not swear to it. I speak as if on my oath, when I am speaking to you here. I could not swear if it occurred more than once, but the impression on my mind is that it did.

9602. Do you mean to say that at Millbank and

J. C. Devereux
(Prison).
28 July 1859.

J. O'Donovan
(Nurse).
26 July 1878.

Portland it occurred several times?—At Portland it occurred.

9603. It occurred several times at Portland?—Yes.

9604. You were put in the dark cell without your clothes and without a mattress?—No, not in the dark cell in Portland, a punishment cell.

9605. A punishment cell?—A punishment cell.

9606. Without a mattress?—Without a mattress.

9607. You were left a rug and two blankets?—Yes, and deprived of my clothes.

9608. You had no clothing and no mattress?—Yes.

9609. (Chairman.) When you say you were left no clothing, do you include shirt and drawers?—I was left the inside clothing, my lord, but the jacket, waistcoat, and trousers were taken away.

9610. (Dr. Lyons.) Was it because?—I beg pardon, Mr. Lyons, it did occur in this prison, even more than once; because I now recollect that there was a question amongst the officers as to whether they would leave me my stockings, and another time whether they would leave me my drawers; so it did occur more than once.

9611. Did it occur twice?—It did. I recollect one of the officers saying, "You can leave him his stockings." I do not know was it the same time about the drawers. This positively occurred, so that it must have occurred more than once.

9612. Then you say there were two occasions, at least, in this prison?—Yes.

9613. On which you were left with a rug and blanket, and the clothes were taken away, except the shirt and drawers?—Yes, and I had an inside flannel waistcoat which I wore inside the shirt.

9614. The shirt, flannel waistcoat, and drawers, were left to you?—Yes, Mr. Lyons.

9615. And you got a rug and blanket?—I got a rug and two blankets.

9616. A rug and two blankets?—That is two single blankets is one.

9617. (Chairman.) Two half blankets?—Two half blankets, my lord.

9618. (Dr. Lyons.) Was it because you did not consider what was left to you of your clothes and these half-clothes sufficient to keep you warm, that you refused to take off your clothes?—Certainly, Mr. Lyons. Yes, I told them I would give my body clothes if they gave me a bed, but that I would keep my body clothes if there was no bed.

9619. You told them that?—I told them that, and Mr. Allison gave orders to strip me, and they rushed and threw me down. Might I ask if the doctor will be examined, and I be allowed to question him.

9620. (Chairman.) Yes. Are there any other officers?—I have given the names, my lord. Have they stated my hands were not tied behind?

9621. I cannot tell you what they have stated, or what our opinion is on it. In proper time we will make up our mind on that?—If Counsel said—(A pause.)

9622. With regard to your being confronted with the other officers, we do not think it necessary. You were confronted with two, who contradicted your testimony. There are two or three officers we shall examine. We shall examine Brown, and possibly one or two others, and should anything arise to render it necessary that you should be confronted with any of them, we shall give you that opportunity?—Thank you, my lord.

9623. With regard to the doctor, you should tell me what the special points are on which you wish to examine him?—As to the conversation about the handcuffs.

9624. Any other points?—About my applications to him about the pain I had in my spine.

9625. (Mr. Bradrick.) As to some neglect on his part?—I submit to the Commission that I made several applications to him on the matter, that they remained unattended to, and that he told me it must

be something in the muscles—chorea. I know it is not.

9626. (Dr. Lyons.) What do you think it is?—It is something connected with the thinking organs. When I read or begin to study I feel a burning sensation in the back.

9627. (Dr. Greenhouse.) Between your shoulders?—Not exactly between the shoulders, with respect to you, down about this place. (Prisoner indicates the region of the lower vertebrae.) I spoke to the doctor on several occasions about it. I brought the matter under his notice again, and he says—I do not know whether his memory is affected or not—but he says "Did you ever speak to me about it before?"

9628. (Chairman.) Are you able to fix the time at all when you spoke to him about it?—I am, my lord, for when I saw he was speaking this way to me I said he did not recollect my application to him, and I went to the governor and had it recorded in the books, and that record is given to me, and I have it here.

9629. You have the dates there?—Yes, my lord. Regarding your decision about my not being allowed to ask those witnesses, whom you have examined, my questions, I will just observe that I do not object to any details you make, I leave myself entirely in your hands until the Commission is coming to a close, but if you then tell me you are not satisfied that I have told the truth, I hope you will give me some way for saying a few words.

9630. You may rely that if we think it just to you to confront you with any witness we shall do so?—Yes, my lord, I recollect Dr. Greenhouse's expression the first day, that your object was to know everything and that you will give me every facility.

9631. (Mr. Bradrick.) You recollect that we did confront you with some witnesses whose recollection was different from yours?—Yes.

9632. Did I understand you clearly to mean that it was only on one occasion you were confined in the black-hole cell without bed, blanket, or rug?—Without bed, blanket, or rug?

9633. Yes; I am not now speaking of the body clothes?—On one occasion, two nights.

9634. And was that on an occasion on which you refused to put out your bed in the morning?—Yes, on that occasion, sir.

9635. (Mr. De Vere.) What you now refer to was the occurrence I have recalled to your memory of July the 25th?—Yes, I think it was.

9636. Where the whole imprisonment lasted from the 25th to the 28th?—Yes, in the dark cell.

9637. But you have also stated that towards the latter end of August, in fact on August the 19th, you were placed again in the dark cell without a mattress?—Yes.

9638. That was from 11 a.m. on the 19th, to 5.30 on the 20th?—If you look to the report of August the 25th, and see what judgment is given for refusing to pick coin.

9639. Just confine yourself at present to August the 19th?—I have here, August the 19th, deprived of a mattress, but it is only one day's bread and water.

9640. Exactly?—Well now, August the 25th is the time of the order to deprive me of a mattress also for two days.

9641. (Mr. Bradrick.) I find an entry in the governor's journal, on the 26th of July, that "O'Donovan's Room, having succeeded in wrenching of the handle of his bed and commenced destroying with it all that was in the cell, he was immediately placed in handcuffs as a matter of restraint, at about 3.45 p.m., but at 7.30 p.m. they were taken off, and having no other suitable cell for him he was placed in a dark cell until his own cell should be repaired, and in compliance with the director's order, having refused to put out his bed and bedding, he was deprived of them." On the 27th of July, two days after, I find that "J. O'D. Brown, having promised that if allowed a bed he would put it out properly in the morning, it was granted to him." It is therefore clear that you were two days without any bedding?—I beg your

pardon. He says I was kept in irons in the dark cell on account of breaking my furniture.

9642. He says you were placed in handcuffs, as a measure of restraint, at 3.45 in the evening, but that they were taken off at 7.30?—That occupied my memory, or my recollection, but I think it is correct.

9643. Now with regard to the second occasion, what I find is this: that on the 19th of August J. O'D. Rossa was sentenced to one day's bread and water, and to forfeit so many marks, and be deprived of his mattress. Then follows an entry, "This prisoner was removed to a refractory cell at 11.45 a.m., for 'making noise'?"—Is that on the 19th, Mr. Brodick?

9644. That is the 19th, and there is no entry of the time that you were taken out of the refractory cell.

9645. (Mr. De Vere.) Here is another. You are reported for not picking up, August the 19th, and for noise, and were placed in a dark cell without mattress, and on bread and water, from 11.45 a.m. till 5.50 a.m., August the 21st.

9646. (Mr. Brodick.) Does that agree with your recollection, that you were on that occasion one night in the dark cell without a mattress?—Is that the 19th, sir.

9647. That is the 19th of August?—And, Mr. Brodick, was not that the time that they used violence towards me.

9648. No.—Then there must be another order to deprive me of the mattress, for it was on the second occasion that they trampled on me.

9649. As I understand, the occasion when they trampled on you, was an occasion on which you had had clothing, but refused to give up your body clothes?—Yes, sir.

9650. Therefore that is a separate occasion?—Yes, and subsequent to the 19th.

9651. And subsequent to the 19th?—Would you please look at the 25th of August?

9652. Yes, there is on the 24th of August here reported that J. O'D. Rossa was sent back to his cell this day. "Defiled the walls of his cell by writing on them." It is not stated that you were then placed in the dark cell.

9653. (Dr. Greenhow.) It says here "two days" close confinement and punishment diet"?—Is there anything about the bed-clothes?

9654. No. On the 25th, the mattress was not removed, but you were put two days in the dark cell on bread and water.

9655. (Chairman.) You state that your mattress was taken away, as I understand?—The recollection in my memory is, that since this affair of the trampling I had no bread and water, and that must be that last occurrence. Of course I cannot be very exact, but that is the impression I was under.

9656. (Dr. Lyons.) On the 25th of August, in the separate cell back, I find "J. O'D. Rossa, one day's punishment diet"?—Nothing about the bed, Mr. Lyons?

9657. Nothing about the bed.—The practice, when a man is reported for idleness, the practice in prison prevails of depriving him of a bed at night. When there is a punishment recorded against a man for idleness, and he gets bread and water, the other accompanies it; so without that matter being mentioned it would have occurred.

9658. (Mr. Brodick.) I think it is clear that on the first occasion you were two nights without bed, blanket, or rug, that there was a second occasion on which you were, at all events without a mattress, namely, on the 19th of August, and that there was a third occasion, the date of which you cannot fix?—The 25th.

9659. But the particulars of which you gave us on a former occasion, when this scene occurred in the dark cell, owing to your declining to give up your body clothes?—Yes, that is correct, Mr. Brodick.

9660. That you believe to have been on the 25th of August?—Yes, that report against me.

9661. (Dr. Lyons.) This will clear up the 19th. On the 19th of August, "J. O'D. Rossa, one day's

"punishment diet without mattress, and remove to dark cell, 11.45 a.m. by order of Capt. Harvey, "siding governor." On the 20th, "J. O'D. Rossa released from dark cell at 5.50, by order of Captain Harvey."

9662. (Mr. Brodick.) Let me ask you, was that scene in the dark cell, when the struggle took place, the last time that you were ever in the dark cell?—No, I do not think it was, sir.

9663. You do not think it was?—I do not think it was. I think I was there after, but not on bread and water. I think I was there after for making noise—reciting.

9664. (Dr. Lyons.) What do you call "making noise"?—When I would have no books, I would recite some poems, sir, some Irish poems.

9665. Did you recite them in a very loud tone of voice?—Well, loud enough to be heard outside. Yes, loud enough to make a noise. My lord, the report of Mr. Allison against me for assaulting three officers would fix the date.

9666. (Chairman.) I will go now to the next paragraph of your letter. You say, "To be confined for months in a darkened cell, specially furnished with a privy unfurnished with a bed, and one month of this without ever stirring out of it, except to the black hole, and on 16 ounces of bread, and 40 ounces of water daily, may not be necessary for the preservation of health, but is deemed necessary for discipline." When did that occur?—That occurred in '68, my lord.

9667. "For months," you say. Were you in a darkened cell for months?—Yes, my lord.

9668. How long was the period?—From the 1st of June to the 1st of October, my lord, in this prison.

9669. Was the cell darkened all the time?—Yes, my lord.

9670. By a screen within?—By an iron screen, my lord.

9671. Was there a privy in a corner of the cell?—Yes, my lord, there was.

9672. Without a bed?—Yes, my lord, it can be seen to the present day.

9673. (Mr. De Vere.) How long were you there?—From the 1st of June to the 1st of October. I was in this darkened cell in punishment, and since I came to the prison it is without punishment.

9674. You say "one month without ever stirring out of it." You were taken out for exercise, were you not?—For the 28 days I was not, my lord.

9675. When you say a month was all the period during which you did not stir out of it, do you mean that, except during the 28 days, you were taken out for exercise?—Yes, my lord.

9676. (Dr. Greenhow.) That was the period on bread and water?—Yes. I did not leave the cell those 28 days.

9677. (Dr. Lyons.) In the prison books on the 19th of August, I find this record, "J. O'D. Rossa, one day's punishment diet, without mattress, and removed to dark cell, 11.45 a.m." And on the 20th I find, "J. O'D. Rossa released from dark cell at 5.50, by order of Captain Hardy."

9678. (Mr. Brodick.) Having heard certain extracts read from the prison books, can you state whether on the 19th of August you were in the dark cell and deprived of a mattress?—On the 19th of August? That is the day of the assault.

9679. Yes; on that day were you deprived of your mattress?—I was.

9680. And were you on that occasion deprived of your blanket and rug?—No, I got a blanket and rug that day.

9681. Then you were deprived on a former occasion of blanket and rug, but on this occasion you were not?—Yes.

9682. Was there any other occasion on which you remember to have been deprived of blanket and rug in the dark cell?—Yes, I am sure there was. When I came into the room first a while ago, I told you that I was not sure, but since I came into the room and

J. O'D. Rossa
(Name).
18 July 1879.

J. O'Donnell.
(Witness).

28 July 1870.

during the examination I remember many things that occurred.

9683. Your answer is, that there was another occasion, but that that occasion was not the 19th of August?—Yes. There are several reports against me that Mr. Lyons read out from the 1st to the 15th of June. I was in the dock cells several days and also in manacles, but I do not know, it might have been on one of those occasions. The day after my refusing to give my clothes to the officers, on account of the officers leaping on my knee it was swollen and blue. I asked to see the doctor that day and I showed it to him, and he sent me some ointment.

9684. (Dr. Lyons.) Ointment or Liniment?—Liniment or something to rub to it.

9685. Was it bruised?—Yes.

9686. (Mr. De Vere.) During the whole of that period that you were in the cell in which was a privy, was there a lid to it any part of the time?—No, sir; no lid at all.

9687. (Chairman.) Was there no offensive smell from it?—Yes, my lord, there was.

9688. Did you mention that to any of the officers?—I did, my lord.

9689. What did they do?—Other Douglas mentioned it to the doctor, and in consequence of that I think the doctor sent some disinfectant, and the officer Douglas came and put it down.

9690. (Dr. Lyons.) Are you correct in stating that you got only 16 ounces of bread and 40 ounces of water daily during that time?—Yes, during the 28 days, except every fourth day, pond class diet.

9691. Are you quite sure about the quantity of bread that you got?—Well, I could not swear to it, Mr. Lyons, but that is supposed to be the bread and water diet, a small loaf in the morning about the size of your fist.

9692. Were you not allowed as much water as you choose to drink?—Yes, I was for a time; but when I broke the pint I would not be allowed a pint in my cell then, and when I wanted to get water I should call for it, and I did not like to be troubling the officers often while I was on bread and water. I would not be allowed to keep a pint in my cell, and I had to eat the bread dry and take a drink of water which the officer handed me, and hand him the pint back again.

9693. (Dr. Greenish.) Did you only get a pint of water twice a day?—If I asked for a drink of water I would get it, but I never had occasion to ask for it.

9694. (Chairman.) I now pass to the passage in your statement in which you speak of what you heard pass between another prisoner and the doctor about a sore foot?—Yes, my lord.

9695. Will you tell me who that prisoner was?—The prisoner was O'Connell, my lord, Charles Underwood O'Connell.

9696. About what time was it?—About 10 o'clock on a Sunday morning when we were at exercise.

9697. In what month?—Well, it was last year, 69; perhaps about April 69. It was some day soon after O'Connell came to this prison, I think he came here in April, at any rate it was in April or May '69.

9698. Tell us what you heard take place?—He represented to the doctor that he had a sore foot with a very heavy foot.

9699. Give the exact words as well as you can?—He represented that the foot was very sore, and the doctor asked him, was there anything to be shown, "any wound," said he "in it, or anything that way," "No," said O'Connell. "Oh," said the doctor, "if you could show me a wound or a hole or anything" that way, I would see what I could do. "But," said O'Connell, "is not prevention better than cure, doctor?" "Yes," said he, "but in some cases we are not allowed to prevent."

9700. You are quite sure that those words were used?—I am quite sure that those words were used, my lord.

9701. (Dr. Lyons.) In some cases we are not allowed?—In some cases we are not allowed to prevent.

9702. Did you observe whether O'Connell's foot was sore?—No, I did not, Mr. Lyons. I was in the same cage with him. We were persuaded before the doctor.

9703. (Chairman.) You heard that pass?—Yes; I heard that pass, my lord.

9704. In the next paragraph you refer to the neglect, which you state you experienced, of proper medical treatment. Will you tell us when it was that you first made a complaint to the doctor?—Well, I would think about January 69, my lord. I think about that time.

9705. What did you state to him?—I stated that I felt some pain in the back troubling me very much; that I could not read or work much without my becoming burning. I felt a burning sensation, my lord; and he asked, could it be something muscular; that it was the winter season; and I told him, I did not think it was.

9706. Did he examine you?—Yes, he examined me, my lord.

9707. (Dr. Greenish.) Had you your clothes off?—Yes; he took my clothes off.

9708. Did he examine you all round?—Yes; he examined me all round, and said he could see nothing the matter with me; that he could find nothing the matter with me.

9709. (Chairman.) Did he give you a liniment to rub on?—He gave me a liniment a few times, my lord.

9710. After the first time?—After the first time.

9711. Did it do you any good?—No, my lord. He told me one time I would get a blister if I desired it, "Well," said I, "I am entirely in your hands, doctor," and if you think it necessary I will take it; but I "am no physician, and do not know what is necessary" for me; so he did not give the blister.

9712. (Dr. Greenish.) How long might this pain last, think you?—It is affecting me at present.

9713. Is it constant?—No; it is not constant. It does not affect me much when I am in company or out; but when I am in the cell, every day.

9714. Do you feel this pain every day?—Every day.

9715. And all day long?—And all day long when I am alone.

9716. When you are alone?—When I am thinking of anything, or when I desire to examine my mind.

9717. Is it always in the same site?—Always about here (Prisoner points out the spot again).

9718. Do you feel weak if you stand?—Not much.

9719. If you stoop down, do you feel the pain?—No.

9720. You do not feel the pain when you move at all?—No.

9721. It is only when you sit down and think that you feel it?—Yes; sometimes it is a burning sensation, as if some cord would snap.

9722. You are quite sure that you see sometimes free from pain?—When I am in company, not thinking, not exercising the mind, I do not feel affected with it much, you know. When I think on it it is more.

9723. You feel no pains in your legs?—No pains in my legs, sir. The doctor another time said, perhaps it was lumbago. Any way I got nothing from him for it.

9724. How long has it been present?—Since last January 18 months.

9725. Had you ever such a pain before?—Never before coming to prison.

9726. Did you ever suffer from rheumatism?—Never. I do not know what rheumatism is.

9727. You never had lumbago?—Never.

9728. You have no difficulty in passing water?—Not the least.

9729. And you can hold it?—Hold it; yes.

9730. (Dr. Lyons.) Was there any sediment in your water at the time you observed this pain?—No. I did not see any sediment in the water. I did not examine it.

9731. What relieves the pain? Does change of position?—Change of position. I cannot sit up. If I take a book to read I find more relief in being stretched. My own opinion is that it is not good for me to be stretched; but after I read a book a few minutes I find relief in stretching.

9732. (*Dr. Greenhow.*) What do you mean by stretching?—Lying down on the floor of my cell.

9733. You find that when you lie down the pain goes off?—No; but I feel more ease in lying down than any other position. If I sit on the block and take a book I cannot read it, but if I lie down I do not feel it so much. I feel it a little, and then I turn to another position.

9734. The doctor has always listened to you when you spoke to him about this pain?—He has.

9735. And he has always thought it rheumatism?—Rheumatism or lumbago. Lumbago he said once, and rheumatism very often.

9736. He has always listened to your complaints?—He has.

9737. And he has on several occasions given you something to rub to it?—Yes, he has given me liniment twice, I think; not more than three times.

9738. Do you believe the doctor has neglected you?—I am not a medical man. I only state what passed between me and the doctor.

9739. It does not appear to me that you distinctly state that he has neglected you?—I only state what has occurred and how I felt.

9740. (*Chairman.*) All you say is that his medicine has not relieved you?—Yes, my lord.

9741. Do you suffer from this pain when you are lying in bed at night?—Yes, I wake very often, I cannot sleep well.

9742. You cannot sleep with the pain?—No.

9743. Is there any tenderness of the part on pressure?—Not the least.

9744. Did Dr. Burns examine the spine by pressing his hand on it?—Yes, I think he did.

9745. Did it give you any pain?—Not the least.

9746. (*Dr. Lyons.*) If I press your back now (making pressure on the spot indicated by the prisoner) does it give you any pain?—Not the least.

9747. There is no tenderness?—No, just about where you are pressing now I feel it.

9748. But the pressure does not increase the pain, does it?—Not the least, Mr. Lyons.

9749. Does it on the contrary ease it?—Well, I never pressed it.

9750. (*Chairman.*) Have you any pain now?—Well, I feel it just a little.

9751. Was it after Dr. Lyons pressed you you felt it?—No, my lord, but a feeling of something lying dormant within.

9752. (*Dr. Lyons.*) I did not understand what you said a while ago, about the connexion between the act of thinking and this pain?—When I think, it is as if the spinal cord or the brain or something was affected.

9753. When you think or set your brain to work how does that modify it?—It glows inside and becomes burning.

9754. And does it increase to such a degree as to make you stop from reading?—Yes, it makes me very uncomfortable.

9755. Did you feel this pain more acutely during the time your hands were handcuffed behind the back?—I hadn't it at all then. It was after this punishment took place that I felt this.

9756. Is there anything that has occurred within the prison since you have been confined that you would refer to as the cause of that pain?—Unless that leap on my chest would cause it. I do not know anything else unless the officer's leap on my chest would cause it.

9757. Were you very violently pressed on the chest on that occasion?—Yes, he stood up and leaped down on me that way with his knees (imitating the act).

9758. Why did he stand up?—To turn me to take

the trousers off. He leaped that way down on me with his knees.

9759. During that act were you lying on the floor?—Lying on the floor.

9760. On your back?—On my back.

9761. Then had they to turn you over?—To turn me over. He had his knee whiffs they were taking off the clothes, he had his knee on my chest. If you ever saw a pig-trying for measles in Ireland it is just the same that affair.

9762. That what?—A pig tried for measles in Ireland, a knee on the pig's neck.

9763. During that "scene," as you have called it, and when you were turned over, did any of the officers press with his knee on your back where you now suffer pain?—No, not in the back.

9764. There was no pressure on your spine that you recollect?—No, there was not.

9765. You did not think you were hurt on that occasion?—I did not, but I felt my chest; when he leaped on my chest a burst of air shot up my throat.

9766. You did feel that?—Yes, sir.

9767. (*Dr. Greenhow.*) Does that hurt you (pressing the spine)?—No, except as much as it would hurt anyone else, sir.

9768. Sleep down and put down your hand; now the other hand (the prisoner obeys).

9769. (*Dr. Lyons.*) I find from the records of this prison that punishment diet is 16 ounces of bread per diem with water?—Yes, sir.

9770. (*Chairman.*) Was January '65, at the time you told the doctor you felt this pain, the first occasion of your so feeling it?—When I told him first it was the first occasion of my feeling it and, I never felt it before. The doctor's records I dare say would show the time.

9771. You say in your statement "I do not see any rule which authorises discipline to deprive a man of the use of the Bible for six months, and yet this sentence was passed on me." Will you explain what you mean by that?—Yes; in Portland, my lord, a sentence was passed on me that I be deprived of books for six months, including the Bible.

9772. Who passed that sentence?—It was, I think, sent by the directors, my lord. It was under the date, if you look at the records, under the date of January the 25th, 1867.

9773. You were ordered by the directors when at Portland to be deprived of books for six months?—Yes, my lord.

9774. (*Dr. Greenhow.*) What was the reason that you were deprived of books on that occasion?—It was on an occasion of letters being found, surreptitious letters.

9775. (*Chairman.*) Was that the letter you mentioned the other day?—No, but a month or so after.

9776. (*Mr. De Vere.*) What date was it?—January the 25th, '67. Here is the charge as I have it, "for having a book concealed in the workshop containing a 'improper writing.' The sentence is recorded about that.

9777. (*Dr. Greenhow.*) The sentence is, "three days' confinement and punishment diet; 1,440 marks, 540 for remission, 25 days' penal class diet, to be degraded to penal class, to forfeit 540 marks, to be deprived of all books for six months, to be only allowed sufficient waste paper daily for the waste of nature; for having a book concealed in the workshop containing improper writing; also 'letters.' Was there any writing in the book itself?—Yes, I had written on the pages of the book. The book was concealed in the shed. I acknowledge to you that it was I who wrote in the book, but they had no evidence of it.

9778. (*Dr. Lyons.*) What was the writing that was improper?—That is what I would wish to call his lordship and the commissioners' attention to, the way reports are drawn up. I tried to get the governor to correct the report, that the writing was not improper, but that I had it improperly in my possession.

J. O'Donnell
(Barr.).
24 July 1870.

J. G. Dawson
(Rover).
28 July 1879.

9776. (Chairman.) What was the writing?—A letter to my wife. The one in question about the book was I think copy of a letter or memorial to the Secretary of State which I have submitted to your lordship and the Commission.

9790. You wish then to state to us that the book was not of an improper character, nor the writing of an improper description, but that what was meant was that the book and writing were improperly in your possession?—Yes; they were found in a shed and I now acknowledge that I wrote in the book. The book was a religious book, but not one of those supplied to me.

9781. (Dr. Lysons.) What was the name of the book?—A prayer book, a "think well on it," or something of that kind, but not one of those supplied to me. If it was improper for me to have the book in my possession, it was through, of course, a prison officer that such a book got out.

9782. When you say that you were deprived of all books for six months do you include religious books?—Yes, I recollect trying to get a Bible. I came to a punishment cell and there was a Bible in it. I suspected the officer would take the Bible and I hid it under the cell pot, and he went looking for it and found it out.

9783. (Dr. Lysons.) Did he take it away?—He took it away.

9784. (Dr. Greenhow.) Was it a Protestant or a Catholic Bible?—It was Protestant. It is Protestant Bibles are in all these cells. I had not the benefit of the sentence, because next month I was removed to Millbank and got probation in separate confinement and I got books there. Part of the sentence was not carried out, for when I went to Millbank I got books.

9785. (Dr. Lysons.) How long then actually were you without books?—I went to Millbank, February the 24th, that is only one month from that time. I did not state that in my report, my lord. I only say that the sentence was passed. In my explanation of it now I consider it just to explain that.

9786. (Chairman.) In point of fact you were under the sentence one month only?—I was under the sentence one month; but it was a severe case.

9787. (Dr. Lysons.) I see that you have applied for extra books; are you much given to study?—Yes, any time I have I like to read. I got great annoyance in the way of not getting books. I could never get books that I wanted.

9788. You made application to the Secretary of State to have more books. I said it was not allowed?—It was not allowed. I got some annoyance from not getting books, but this is one of the things I tell you in my report I do not want to get into, for I have got books lately that I asked for.

9789. When you say that for months you were "deprived of that waste brown paper which is supplied to every prisoner for purposes of nature," that was not the case at the time that all books were taken away from you on this occasion?—No, my lord.

9790. Where was it?—That occurred in Millbank.

9791. How long was it in operation?—I was four months in the penal chain; in fact I was about six months, I think.

9792. (Dr. Greenhow.) You told us that you wrote in that book at the shed, did you write in any other book?—No; I never wrote in any other book.

9793. You never injured any library book?—I never injured any library book. Perhaps you will be told I wrote in my library books, but in my report I allude to that where I say you will do well not to believe it until you question me.

9794. (Dr. Lysons.) What do you say about it?—If you will inquire why, you will perhaps be told that I injured some of the books given to me, but you will do well not to believe it until you question me.

9795. (Mr. De Vere.) You said that the Bibles placed in the penal cells are Protestant Bibles?—Yes, sir.

9796. Are they supplied to Roman Catholics in the

penal cells?—I cannot say, Mr. De Vere. I only speak for myself. I cannot say.

9797. Except on this occasion when you were deprived of the use of the Bible for one month, were you supplied on all other occasions with Bibles when you were in penal chain?—No; sometimes the Bible was taken away from me. In this place I could have a Bible or prayer book. I got a choice, and I take a choice. But again I was deprived of all books, Bible and prayer books. Mr. Allison came to my cell over here one day with Captain Harvey and began to converse himself with Captain Harvey saying, "Sir, this prisoner has books, and I have to be alarmed; it is my fault that I did not take the books before," and he took away the Bible, a Catholic Bible.

9798. You are a Roman Catholic?—Well, I have never been at any other place of worship.

9799. You are registered as a Roman Catholic?—Yes, registered as a Roman Catholic.

9800. Have you ever complained to the visiting priest that you were supplied with a Protestant Bible?—Never, sir. I would not make such a complaint, because I do not want to get into religious subjects. Not with disrespect to you, Mr. De Vere, but I only express my opinion that I have no desire to get into religious matters of discipline.

9801. In fact you never made a complaint on the subject?—I did not.

9802. (Dr. Greenhow.) Did you ask for "D'Aubigny's History of the Reformation," yourself?—Yes, I did. In fact I myself and the other prisoners did make a representation to the priest in this prison about having the library shut up from us, by not getting any books that he might deem objectionable for Catholics; and he allowed us to get any books in the library. He put marks on the books. I recollect when he came to my cell and saw it, he put a red mark on it. I spoke of it and he afterwards gave us permission to get any books; but in Millbank I could not get a book at all.

9803. (Dr. Lysons.) Did you as a matter of fact get a Catholic Bible in this prison, or in any prison?—Always at any prison, I get a Catholic Testament.

9804. And here?—And here too, supplied to me for my own use in the prison.

9805. Supplied to you for your own use in the prison?—Yes. I made application for a Bible, that is the Old Testament and the New. I got one of these in Portland, but they have not any in Millbank, and I got one here.

9806. (Dr. Greenhow.) I understand that you were supplied with a Bible at your own request then?—Every prisoner coming to these prisons is supplied with a Testament or a Bible. The Catholic prisoners get a Testament. It is one of the books that if he does not want it even he gets. A Catholic coming here gets four religious books without asking for them.

9807. My question was, did you apply for a Bible?—Yes, and got it.

9808. And you got it because you applied for it?—Yes.

9809. It was not given to you by prison usage, but you asked for it?—Yes.

9810. (Chairman.) When you speak of the Bible, do you mean the volume containing the Old Testament as well as the New?—And the New, my lord.

9811. Both together?—Yes.

9812. And that is not given to Roman Catholic prisoners, but each of them gets a Testament?—A Testament. In Portland it was given, and I had one, my lord.

9813. I was just coming to that. It was given to you in Portland?—In Portland the Bible supplied was Bible, the Old and New Testament. In Millbank and this prison it was a Testament. But I applied for a Bible, and the reason I will tell you. It is right for me to tell you that in my studies I engaged in here are languages; there are German and Italian Bibles, the Protestant version, got up by the Bible Society, and I desired to have one of this kind, as I stated,

having no other books of languages to read. I got permission from the Catholic chaplain to get one of these books from the Protestant chaplain. I made application, and my request was attended to.

8814. (*Dr. Greenhow.*) It was an English Bible then?—No, not in the English language. I applied for some Irish books, I could not get them; but the Protestant chaplain was kind enough to lend me his own Protestant Bible in the Irish language.

8815. (*Chairman.*) In the Irish language?—Yes, my lord.

8816. (*Mr. Brodbrick.*) When the Bible was taken away from you, as you state there, did you complain of it or ask that a Bible should be given to you?—I did not, but I think I made some application to the Protestant chaplain about books at the time.

8817. When the Bible was taken from you on that occasion, was a Catholic Testament left with you?—No, it was not.

8818. No book whatever?—No book whatever.

8819. (*Dr. Greenhow.*) You state in page 4, that you were stripped naked once a day for three or four months?—Yes.

8820. Where did that occur?—In Millbank.

8821. At what period did it occur?—From February until May, certainly. It occurred in the end of February, immediately after I came to Millbank prison. I came to Millbank on the 24th of February, and some time after that they commenced stripping me, and continued it in March, April, and a part of May.

8822. Do I understand you to say, that you were stripped once a day?—Once a day, sir, assuredly. I had to go through positions to have them look at all parts of me naked.

8823. In what place were you stripped?—I was stripped naked in my cell when the officers came, once a day.

8824. Did it ever happen more than once a day?—Yes; during 24 hours I was stripped three times. That was on the occasion of writing being found in the cell of another prisoner, and I was suspected of being the writer. I was searched three times during 24 hours, stripped naked, to see if anything would be found on me or in my cell.

8825. Was that also in Millbank?—At Millbank.

8826. Was that occasion included in the three months you speak of?—No, this was in December '67; and occasionally besides these three months. The prison discipline requires that prisoners be searched in penal class, once or twice a week, but that is only the ordinary discipline. I do not speak of that, but the extra thing of stripping me once a day.

8827. (*Mr. De Vere.*) In page 4, you state that, "On refusing one day to be the agent of your own shame, five officers seized you and giving you a 'terrible choking left you naked on the floor'?"—Yes, sir.

8828. Is there any report of that scuffle in any of the prison books to your knowledge?—I think there is. There must be, I think. I think I have something connected with it here. It occurred I think in May.

8829. (*Dr. Greenhow.*) What year?—May '67.

8830. (*Mr. De Vere.*) Will you read the report of the matter from the extracts furnished to you?—'May the 6th, refusing to be searched and resisting his officers.'

8831. Was there any adjudication upon that? were you punished for it?—Well, I think I was sent to the director, because I was at that time referred to the director for another matter. I got no bread and water for it at that time, but I was brought before the director immediately after that time; then I got the 12 days' bread and water, and four months' penal class.

8832. On that occasion were there five officers present?—Yes; there were five of them charged on me.

8833. Had those five officers been present when you got the order to bathe and before the scuffle began?—No, there were four; three or four were present, I think four, and they charged on me and they knocked

me down. It was going to the darkened cell or the refractory cell, that I refused to strip, and they knocked me down, and of course stripped me by force. The extra officer then came in. He was not exactly a prison officer, but he was at work in the prison. He was not a warder. He was in civilian's clothes, and he being going about the prison for some purpose or other, came on us while they were stripping me, and he beat them a hand.

8834. Was that stripping you naked once a day during three or four months, part of the ordinary discipline to which you were subjected; or was it something extra, in consequence of your being put into a punishment cell or in any way punished?—No; but it was part of the ordinary discipline to which I was subjected without any charge being brought against me for having writing materials, or secreting anything in my cell. The order was given for some reason I do not know, to search me once a day. I think from what I have learned from prisoners who were out in the world at that time, that the order was given for precautionary purposes regarding my escape, because there was some noise at the time they told me in Ireland about Chester Castle. I think precautionary measures were taken; and at this time, at night. I used to be kept in one cell during the day, and then taken from that cell and that ward and taken to another ward and brought back in the morning again to the cell in which I was during the day.

8835. Are you aware whether the other treason-felony prisoners were during the same period stripped naked and searched?—I did not hear that any of the others of them were searched.

8836. (*Mr. Brodbrick.*) Were any other treason-felony prisoners in Millbank at the time?—No, I do not recollect when I came there that there were any others of the treason-felony prisoners there. There were soldiers, but I do not recollect that there were any of the Irish treason-felony prisoners. Some of them came there immediately after that.

8837. (*Mr. De Vere.*) Who were the officers that used to be present at that stripping?—Cooper and Brown, and a third man, stripping once a day.

8838. (*Dr. Lyons.*) Was Brown the other officer that you forgot a while ago?—Brown was an officer that was in charge in the ward.

8839. Who was the other officer whose name you forgot when speaking to me a little while ago?—No, Brown was not his name.

8840. (*Mr. De Vere.*) You have only mentioned the names of two?—I do not know the name of the other officer.

8841. (*Chairman.*) Are you tired, would you like to sit down?—Thank you, my lord (does not sit). One of the five was named Martin. That was the name of one of them any way, because the principal officer—I heard him say, as he was pulling off my trousers, he thought he was doing it too gently, "What are you doing?" says he, "why don't you do 'your duty properly?'"

8842. (*Mr. De Vere.*) Where did this stripping take place?—In my own cell in the ward near the chapel, Number 1 cell; in my own cell every day.

8843. How many officers used to be present every day?—Two, at what I call the ordinary discipline, stripping me every day.

8844. Those two were Cooper and Brown?—Cooper and Brown. Cooper was the prison officer of the ward, and Brown was occasionally in the ward. The other officers that would be on duty occasionally, would come to strip me.

8845. Was there any particular reason why on that day you would not allow yourself to be searched?—Yes, I was disgusted. I had made up my mind that I would not do anything they wanted me to do, and that I would leave myself in their hands; but that I would not use my will and do anything they wanted me to do that way. This all occurred after being punished for idleness when I worked. I made up my mind then that there was no use in my trying to get on with any satisfaction.

J. O'Donnell
(Remains).
26 July 1870

J.O'Donnell
(Nurse).
16 July 1870.

8865. (*Dr. Lyons.*) During the period of this something have you any complaint to make of any indelicacy by any officer who conducted the search? Oh, no indelicacy, except so far as they would make me stoop and look behind, and open my mouth.

8847. No finger was put on your person in an insulting way?—No, Mr. Lyons.

8848. You have no complaint to make on that ground, respecting any occasion on which you were searched?—No, they did not touch my person.

8849. (*Chairman.*) In page 5 of your statement, you say "the ordinary prisoner can pray if so inclined, without an intercessor there; but if the treason-felony prisoner pray, it is with three officers sitting on the bench in front of him, looking him in the face; and if the treason-felony prisoner goes to communion, he has an officer passing him through the chapel, while the ordinary prisoner can approach the rails without such distinguishing notice." First of all, is it the fact that when you are in the chapel, three officers sit on a bench opposite you?—Yes, my lord.

8850. Close to you like these two gentlemen?—We sit here, just back; a door has been broken out in the chapel for our special benefit.

8851. What chapel are you speaking of?—The chapel here. The time that the altar was got, I got ten days for writing which I did not write. At that time we were allowed to chapel every week, and the same Sunday they were only brought to the hall to pray, and they refused to pray there, and they were kept in punishment for not doing so. During that time that we were kept there away, a door was broken out in the pine end of this chapel, and in this door we were taken stone, and after going inside to a seat here, and three officers sit on the second bench before us. First two of them sit facing us this way, one here, one here, and another sit there with his back to the partition. Lately the three officers sit sideways, the prisoners are here, six of us, one officer sits here sideways, another officer sits there, facing him sideways, and the third officer sits there.

8852. They do not face you but they sit sideways?—Sideways.

8853. But for a time they sit facing you?—Yes, my lord.

8854. When you approach the altar rails, does an officer accompany you?—All the other prisoners, we see them on Sundays, go up leaving the officer, but when any of the treason-felony prisoners go to communion, one of these three officers attends him up to the rail through the chapel and down again. Last Sunday week was the last time it was done.

8855. (*Dr. Lyons.*) Did it occur to you on that occasion?—No. O'Connell went to communion. He has gone to communion lately once a week, except last Sunday: the priest would not hear his confessions or anything. I have seen this occur on every one of those Sundays that he went to communion.

8856. What do you complain of in regard to the fact of prisoners being brought up to the rails and back?—I do not put it as a complaint, I only state it as exceptional treatment. I do not make any complaint of it. Perhaps I am not disposed to pray much at the chapel, if I were of course—

8857. (*Chairman.*) You quote it as an instance of exceptional treatment?—Yes, my lord.

8858. (*Dr. Lyons.*) But you see as want of proper respect on the part of any officer in so conducting a prisoner to the communion rails and back?—No, I have not seen any.

8859. You have not observed any want of respect?—No, I have not. One Sunday, about three months ago, O'Connell was going to communion and the officer in charge of us cried out to him, "Come back," and kicked up a bit of a noise. I suppose it was a mistake, that he did not think he was going to communion, but thought he was going out of his place. The priest reproved him for it, I believe.

8860. Reproved whom?—The officer,

8861. (*Dr. Greenhow.*) Do you think it was a mistake on the officer's part?—I think so, sir.

8862. (*Dr. Lyons.*) Did the officer want to prevent him?—He wanted to prevent him. He had not I believe the official paper that he was going to communion.

8863. Is each prisoner who is going to communion furnished with a paper?—I believe so, Mr. Lyons. No, but a paper is given to the officer, or some indication is given to the officer that the prisoner is going to communion, and through this not being done, what I said was done about it.

8864. (*Mr. Brodick.*) How many hours a day exercise do the treason-felony prisoners get in this prison?—Four hours a day for about the last two months, and two hours a day before that. They have four hours a day in the open air now.

8865. (*Chairman.*) Look at the second paragraph on page 5. You say there, "I state that I was one morning in my cell, the gas was turned off pretty early, and left me unable to read a book I held in my hand. There was an iron blind on my window then which has since been taken off." Explain what exceptional treatment you refer to there?—When I came to this prison, my lord, I was put in the darkened cell, and nine English prisoners were located in those cells I believe to prepare a place for me, and assimilate their treatment to mine. One morning the gas was turned off earlier than would allow me to read by the daylight, and I objected that not being under punishment now, if I was in an ordinary cell I would have light to read the book. I thought I should be allowed daylight under circumstances where others had the daylight.

8866. (*Mr. Brodick.*) You say "morning," do you know whether it was morning or evening?—It was in the morning. It was in March '68; I have an application here to the governor to be allowed gas, "March the 26th, 1868, application to the governor to have a light sooner than it is allowed," and the governor's remark that "light is given as soon as it appears requisite." I thought the governor gave an order to light the gas sooner. On this occasion, or some time after, I sang for a light, impelled by these reflections that I state to you.

8867. (*Chairman.*) What time of the day was it?—In the morning, about a quarter to 6, my lord, is the end of March, and the officer came and opened the door and asked me what I went, or what I was kicking up such a noise and such an uproar for.

8868. Did he use those words?—Yes, my lord; I told him I had applied to the governor for a light, and thought he granted permission when I had not plenty light to read; that I thought he did. So he said I had as much light as any other prisoner and I should do with that, and if I did not make less noise I would soon find myself in a darker place.

8869. (*Dr. Lyons.*) The order is "light will be given as soon as seems requisite."—He said he knew who I was and what I was, and that I had hence be quiet.

8870. (*Chairman.*) Who was that officer?—His name was Knell, my lord.

8871. Is he here now?—I have not seen him lately. I have not seen him for the last 12 months or more. He shut the door and kept talking in a loud voice, so loud that the other prisoners after going out told me they heard all he said. He kept talking, and I said, "Ah, get out," when he was talking outside my door threatening me with the dark cell and saying he knew what I was. He reported me for this, and I got two days' bread and water; 48 hours' bread and water.

8872. Who was the governor at that time?—Captain Powell. I asked Captain Powell if he would examine the other prisoners. I may observe, my lord, that the officer denied the conversation I have detailed to you. He denied having said a word to me.

8873. What was the date of that occurrence?—March '68, my lord.

8874. The end of March '68?—March the 31st,

I think you will find it. It is under the head of disturbing the quiet of the penal class.

9875. Captain Powell was the governor?—Captain Powell, my lord.

9876. For having said the words, "Ah, get out," you were reported?—Yes, I was reported before him for insolence.

9877. (*Mr. De Vere*.) Did you say anything but that?—That is all I said, Mr. De Vere, not a word more.

9878. You say that he was outside at that time?—He was outside my cell door talking. I have this report here under the head of "disturbing the quiet of the penal class;" not a word about insolence or anything. But I recollect very well that the matter was talked of on the charge before the governor, that the officer charged me with saying this, and that the officer denied having said a word to me; but I would not undertake to say that any of the officers would prove it.

9879. Did you appeal to the governor to examine some of the prisoners?—Yes, I told the governor that the prisoners in the ward must hear him, and asked him would he examine them. He said he would not take the evidence of prisoners against a warder; and subsequently while I was on the bread and water, when he came to my cell to see me I asked him to examine them, and he said he could not examine prisoners.

9880. (*Dr. Greenhow*.) Did you speak before the gas was turned off, and say, "I want a light"?—On this occasion?

9881. On this occasion.—No, I do not think I did, Mr. Greenhow, because while I had the gas I had a light, and it was only necessary to speak when the gas was turned off.

9882. Before you sang your bell did you say anything?—I do not recollect.

9883. It is recorded here, "Warder Knell states, 'this morning at 5.55 a.m. I turned off the gas in 'penal class, when the prisoner Ream shouted out in 'a very loud manner, 'I want a light.' I ordered 'him to keep silent, when he loudly rang his bell in 'a violent manner. I asked him what he meant, and 'he said, 'I want a light to see the hour and report, 'to the governor when my light was put out.' I ordered him to keep silent, and he said, 'Get along 'with you.'—That is quite wrong, sir, he was talking outside when I said, 'Get along.'"

9884. (*Dr. Lysons*.) I find entered here on the same date, "Jesseiah O'Donovan Ream, two days' penal class diet"?—If you understand this place, my lord, that putting in "violent" there means nothing, except to show the officer's disposition; because it is just a small spring you pull there.

9885. (*Chairman*.) Did you pull it more than once?—I do not think I did, my lord.

9886. (*Dr. Greenhow*.) The book says that before you rang the bell you called out "I want a light"?—Perhaps I might have understood the officer putting out the gas had to come outside my cell window, and that I thought he would hear me.

9887. (*Dr. Lysons*.) Did you shout aloud unnecessarily?—No, there is no shouting.

9888. It here says, "for insolence and shouting in his cell, and for violently ringing his bell."

9889. (*Chairman*.) Did you use the words, "Get out," very loud?—I might have used them loud, my lord, for he heard me outside.

9890. Did any other prisoner tell you afterwards that they had heard you?—No, but that they heard him.

9891. They told you so?—Yes, my lord.

9892. The governor said, "I cannot examine prisoners against a warder"?—Yes, my lord, but I had asked the governor before I met the prisoners outside, for I was kept in two days in punishment.

9893. (*Mr. De Vere*.) Had you any opportunity of communicating with those prisoners that night have heard it before you saw the governor?—No, I had not

air; I had no opportunity whatever of communicating with them.

9894. Did the governor know that?—Oh, he must know it, for I had no opportunity of leaving my cell or seeing any one of these.

9895. Did the governor know that you had been confined to your cell from the time of the occurrence until you were brought before him, and that during that time you had no opportunity of talking to any of the prisoners?—He must have known it, sir, for a man under report is not allowed to leave his cell.

9896. You were under report from the moment of the occurrence?—From the moment of the occurrence, but I do not recollect. I think I was taken out that morning half-an-hour. I may be taken out and brought in again, for such a thing occurred to me a few times, that I was taken out in the morning, and after a report being forwarded to the governor's office, and the governor perhaps would hear what happened, an order might be put in the report, and some officer would be sent out, and I would be brought in.

9897. If you were sent out in the morning would you have an opportunity of communicating with the other prisoners who might have heard the warder?—Yes. There was something occurred that I cannot exactly say now; no, it was after I was two days on bread and water that this occurred. The prisoner who was in the cell next to me, he was walking in his cell, and this Knell came to him and said he would report him for walking in his cell. These other prisoners did not like a report, because it put them back very much, and this man said I was the cause of having Knell report him, and that I was getting all of them into trouble; and he blamed me for having Knell go to him and threaten him with a report, because if I had not rung for a light he would not be set upon.

9898. (*Chairman*.) This was an English prisoner?

—One of the English prisoners, a man named Macray.

9899. (*Dr. Lysons*.) I find that previously you applied for extra library books. Did you get them?

—No, I did not, Mr. Lysons.

9900. I find subsequently that you applied for permission to write to the Secretary of State to have more books allowed to you. Was that permission allowed to you?

—No, it was not, sir.

9901. (*Chairman*.) At the bottom of page 5 in your statement these words occur: "Assistant to this first report against me in Chatham was another relative 'to my work and my insolence. The officer kept 'sparring me the first day I took my hammer in 'hand. I am left-handed, and he made no work 'with the right hand. Then he kept telling me that 'my strokes were very light; and at last I said, 'Oh, 'officer, the wages are rather light too.'" When did this occur?—That occurred, my lord, the first day that I was on labour at Chatham.

9902. The first day you were there?—No; but the first day I was on labour there, February the 28th.

9903. (*Dr. Lysons*.) February the 28th?—Yes.

9904. You came on the 28th?—Yes.

9905. (*Chairman*.) You make that observation,

"The wages are rather light too"?—Yes, my lord.

9906. What was the consequence of that?—When I went in from labour that evening, my lord, I was shipped, and one of those bits of newspaper that I speak of in the preceding paragraph was sent on me, and the next day I was reported on a charge of insolence to the officer and having a bit of newspaper.

9907. Were the two charges combined?—The two charges were made the same day against me, my lord.

9908. (*Mr. Bradish*.) The report is this, "Assistant-Warder Thompson states that O'Donovan Ream 'was very idle the whole afternoon. On my rebuking him for the idle manner in which he was working, he replied in a most insolent tone, 'The wages 'are very poor I get.' His tone and manner were 'very insolent.'"—I spoke to him as blandly as I could speak. "Oh," said I, "officer, the wages are rather light too."

9909. It goes on to say, "Principal-Warder Akson

J. O'Donovan
(Ream).
26 July 1870.

J. O'Donovan
(Prisoner).
26 July 1878.

"state that about the time stated in the report 'the prisoner O'Donovan Rosen was ordered to be placed on report for ill-treatment and insolence, and on searching him I found several pieces of newspaper' in his shop, which I now produce."—On examining Alison, my lord, will you or some of the gentlemen examine him on what I said before going to my cell when they were going to strip me; because I am convinced that Pratt told him, whatever understanding was between them, it was Pratt that told them.

9910. (Chairman.) Told whom?—Told Alison, and it was Pratt that gave them to me.

9911. (Mr. Brodrick.) Did you wish to put your reply into writing?—No; but what I observe now—I may be mistaken—is that some of your gentlemen would need to ask Mr. Alison if he was in Pratt's cell before he came to my cell, and was told by him that I had those bits of paper, for it was Pratt gave them to me.

9912. Lord Devon has taken a note of it. You asked for paper to put your replies into writing, and it was refused. There is an entry here, "Prisoner states 'he has nothing to say unless paper allowed to put it in writing, which, being contrary to the rules of the prison, cannot be allowed'."—Yes, that is so, for I could not get my replies put down.

9913. (Chairman.) You wish to have Alison asked if he had been told by Pratt that you had the newspaper, your allegation being that Pratt gave you the newspaper?—Yes, my lord.

9914. (Dr. Lyons.) What do you expect to get out of that?—That there was some complicity between the officers and the prisoners to get me into trouble.

9915. How would that show it, even if Pratt told him that you had the newspaper?—I cannot go further than that. Any way, I believe Pratt told him, and I cannot go further than that.

9916. If Pratt had any spite or animosity against you, and told Alison, I do not see what you can gain by that?—Prisoners can gain by it. He could gain some remission by having an eye to me and making charges.

9917. (Dr. Grosvenor.) You mean that Pratt tried to get you into a trap?—Yes.

9918. (Dr. Lyons.) Supposing that you are perfectly correct in your surmise as to Pratt, what do you wish to effect by it?—The desire to get me into trouble and have me under report. The very first day that I went there to work this thing happened to me.

9919. (Chairman.) You think that they had Pratt as a sort of spy on you?—As a sort of spy on me? Yes, my lord.

9920. Did you tell the officer that you were lashed?—I did, my lord; and he told me put the hammer in the right hand, and he kept telling me the stroke was light; and after he repeated this to me two or three times I only said, "Oh, officer, the wages are rather light to;" just quietly and without any acerbity in my tone.

9921. The punishment afterwards had no reference to that merely, but to the finding of the newspaper also?—Both things were embodied in the charge, my lord. Two days' bread and water was the punishment.

9922. (Mr. De Vere.) Have you got in your head the record of the complaint and of the punishment?—I have no record of the punishment, Mr. De Vere. I have the complaint this way, "Involently replying to 'his officer, the wages are very poor, officer;' also 'for having prohibited articles.'"

9923. (Mr. Brodrick.) The adjudication as given here is simply "two days' close confinement on punishment diet, and to forfeit 42 marks for prisoners." Then under the head of remarks there is "the prisoner states he has nothing to say unless he is allowed to put it in writing, which being contrary to the custom of the prison, I cannot allow."

9924. (Mr. De Vere.) Does it appear from that book that the punishment was awarded for the ill-treatment or insolence, or for having the bits of newspaper?

9925. (Mr. Brodrick.) It would appear that it was

for the remark to the officer "wages are very poor," because when you come to the next entry about the newspaper there is no punishment set opposite. The only thing that is entered opposite it is "The above 'awarded subject to the special approval of the 'medical officer.' That, I presume, refers to the award of the two days' punishment diet."

9926. (Mr. De Vere.) When the punishment of two days' punishment diet was awarded to you, were you told whether it was for ill-treatment or insolence, or for having the paper in your possession?—For both things, Mr. De Vere.

9927. For both?—For both.

9928. (Dr. Lyons.) The report in this book is, "On Thursday the 27th of February 1863, Jeremiah O'Donovan Rosen reported by Principal-Warden 'Alison for having prohibited articles in his possession, at about 8.10 p.m.; some pieces of newspaper; William J. Alison, Principal W.' There is no adjudication, but the punishment is recorded on the 28th, 'Jeremiah O'Donovan Rosen, two days' punishment diet, penal alone.' There is another report here, 'J. O'D. Rosen reported by Assistant-Warden Thompson 'for ill-treatment and insolence at about 3 p.m. this day.' That was on the 27th, and the award was on the 28th?—I was, my lord, in the dark cells then for six or seven days after these two days' bread and water, because I did not like to be treated that way. I 'got a sick,' as they say. When I came to the cell after getting the two days' bread and water, I broke the glass of the lamp, and I was taken to the dark cell on this occasion six or seven days.

9929. (Chairman.) We will go to the next point. You say that on one occasion in shaving you cut your throat, that the blood flowed pretty freely, and that with the point of your state pencil you wrote on the door of your cell "*Le sang rouge d'Irlande coule en Angleterre*," thinking of an expression of a duke of Burgundy dying on a field of battle. What was the result of that?—I went to exercise immediately after that, my lord, and while I was at exercise an officer saw that inscription on the door, and I was put under report for it, and charged next day with the offence of having written on my cell door "The red blood of Ireland will rise in England." I tried to explain that that was not what was written on the door; that it was *coule*, and that it should have been taken down properly if it was taken down at all. I do not know how the governor managed the report, but I brought the matter before Captain Gambier again. I do not know how they managed it, but I had 48 hours' bread and water for it. It was the deputy governor that adjudicated.

9930. (Mr. Brodrick.) The entry as it stands here, Rosen, in the copy furnished to us from the report book is, "Writing on his cell door with blood 'The red blood of Ireland flows in England.'"—It was corrected by Captain Gambier. Have you a copy from the original books the day I was before them, for it was originally written "will rise," and I made some efforts to get it corrected, you will find, if you see the book.

9931. (Chairman.) I will take a note to examine the book at Millbank?—And see if there is something in the original report correct, and something written instead. The matter was corrected when I brought it before Captain Gambier or Mr. Fagan. I think that anyway they said there was a gentleman in the prison yesterday, a colonel that knew French, and said something about it.

9932. (Chairman.) On another occasion you say, "I am on bread and water in a darkened cell, and to keep myself company I am repeating some lines." The officer addresses me and says, "You must not be going on this way." I reply, "Oh, by Jove, I will," and next day in the offence charged against me it is "By Jesus, I will," which makes the affair look very wicked." When did that occur?—That occurred some time after the report of my being punished for ill-treatment, when I was doing the work, because I

never made any noise in a separate cell or other cell until after that; but I cannot fix the date.

9931. (*Chairman.*) The latter part of '67?—The latter part of '67, my lord. Some time in the autumn of '67 it occurred.

9934. (*Dr. Lyons.*) You used the words, "by Jove?"—"By Jove." I am not aware that I ever used the words, "by Jove." It is a curse I am not addicted to, it is an expression I never used, and I would not like to have it remain on the prison books that I used it.

9935. (*Dr. Lyons.*) You say that you never used the expression?—No, not as an oath or otherwise, I did not use the expression, "by Jove." Whatever badness I do, I have not used that curse.

9936. (*Chairman.*) You say, "To have one officer set me doing one thing and another another thing, and to have the first charge me with idleness for not doing his work while doing the work of the second, is another way for getting up reports." When did that occur?—When I went to Millbank first, my lord. This report will be found about the beginning of March '67.

9937. Do you recollect the officer's name?—Brown. And Mr. Fagan (*to Dr. Lyons.*) just now I recollect that the three officers who were connected with catching me by the neck that day, were Cooper, Brown, and Berrisford. Berrisford was the name I was not able to give you a while ago.

9938. (*Mr. Dr. Fagan.*) That refers to when you were stripped?—When I refused to go to a punishment cell on a charge of idleness, at the time they tore the skin off my throat.

9939. On this occasion, in Millbank, you said something about officer Brown?—He gave me work.

9940. (*Chairman.*) Brown gave you work?—Yes, my lord. A tailor named Rice, a wanderer named Rice, a tailor, came to my cell about 9 o'clock in the morning and gave me some work to do, to sew canvas bags, to put sewing in bags, in material that was cut out for bags; and immediately after leaving me I set to work. I had about a foot of sewing done when exercise commenced and I had to go out for an hour's exercise, and when I came in from the hour's exercise schooling commenced, and the schooling hours I believe are an hour and three quarters. At that time I got schooling, when I came to Millbank, an hour and three quarters, and then when that terminated dinner commenced, and the dinner hour terminated some time after 1 o'clock, about 1 o'clock; and then the officer, the deputy governor, was going round, and he looked into my cell, and he said the cell was dirty. Well, it is necessary to explain to you, my lord, how a cell might look dirty under such circumstances. I was then new at Millbank. They have a practice at Millbank, to pulverise some rotten stone and leave it on the cell, and when it dries it is white. Instead of putting pulverised stone on the cell I used to wash up my ass as I considered dirty, then my flaps were not white, but black naturally. The prison officer put me to brighten the cell in the same way that the other prisoners did, as I was doing this work, and before I had this work out of hands, Rice, the master tailor, came in, who gave me the work about 9 o'clock in the morning. He came in before I had the cell dry, he looked at my work and saw that I had only about a foot of it done, and he reported me for idleness. That is what I mean by one wander setting me to work and another reporting me for idleness.

9941. (*Dr. Lyons.*) What wonder set you to work to whitewash the floor?—Brown. This report of dirty cell is the 15th, and the report after it is the 20th of March, "Constructing a canvas bag or belt and putting it around his waist." At that time, my lord, I felt very cold, cold and hungry, and I used to be shivering in my cell, and when I would go to exercise. I was after coming from Portland and after a long course of bread and water, and I used to feel intense cold. This canvas matter that I used got to make, when going to exercise I put one of them inside my jacket and put one stitch to keep it tight.

9942. Were you punished for that?—I was reported. J. O'Connor (*Brow.*) and I got 24 hours' bread and water.

9943. (*Dr. Greenhow.*) The canvas was not injured? Not one bit; I brought it before Captain Gambier, it was not injured one bit.

9944. What is the date?—The 20th of March '67.

9945. It is stated that it was not injured?—I complained of the way these reports were entered against me, and could not get them corrected.

9946. It is not put down here that it was not injured, but I saw in one of the books that it was not injured?—I complained to Captain Gambier about the way the reports were made, and putting me down for injuring these bags. I suppose he corrected it.

9947. (*Chairman.*) You go on to say afterwards, that "While in Portland the rest of the treason-felony prisoners, working in mid-winter in a shed, I was placed outside of the shed, and persecuted from having that little shelter from the prison-laden blast which the others had?"—Yes, my lord. I recollect one morning coming out from punishment, and at this time my hands were in that state that the flesh was rotting off my fingers. My block, where I used to work before in the shed, was inside, and all the prisoners worked inside; but the morning officers Russell and Parsons made me bring my block into the open air outside the shed, and set me to work there.

9948. Give me the names of the officers?—Russell and Parsons, my lord. And another prisoner who was also under punishment, and came out the same morning, James O'Connor, he is released since.

9949. James O'Connor was with you?—Yes, my lord; and he and I were placed outside, and the others were inside, and we would not be allowed to speak to them.

9950. Amongst the others were there any treason-felony prisoners?—The others were all treason-felony prisoners. O'Connor and I had been sent to work with the English prisoners, and I refused to work with them and got punishment for it, and after this punishment when I came out I was treated this way as is described. It was brought back to the treason-felony prisoners, and it is while I was away from them, these 20 days or some time, that in this shed this book was got.

9951. You say in the next sentence that when under report the same day with some of your fellow prisoners on a charge of talking while at work, they got 24 hours on bread and water, and you got 72 hours on bread, with 14 days' solitary confinement on penal class diet?—Do I say the same day, my lord?

9952. You say that you were under report the same day with some of your fellow prisoners. What was that report in consequence of?—Well, my lord, I was reported for speaking while at work, and with John O'Leary, and Lohy, and Cornelius Keane, and O'Connor, and John Kennel. About seven or eight of us were reported for speaking. I got three days' bread and water, and 14 days' penal class diet, and James O'Connor got the same, I believe, and the five or six others were released in one day, and some of them got nothing, no punishment for one of them, I believe Cornelius Keane.

9953. (*Dr. Greenhow.*) That was the 20th of December 1855?—About that time.

9954. You had been reported two or three times during the previous week, without any punishment being awarded for it, on December the 4th, December the 7th, and December the 14th, inasmuch while in front of the governor, by saying "You act meanly towards me?"—That was in connexion with the letter of my wife.

9955. "On the 20th, talking on the public works, the 22nd talking on the public works, the 29th talking on the works, and insolent when spoken to." On the 22nd, you got "two days' punishment diet in a penal class, and on the 29th you got three days' punishment diet, and 14 days' penal class diet." There was apparently an accumulation of offences in the prison books against you?—Yes; but these offences could be got against any of the other prisoners.

J. O'Donovan
(Sinner).
16 July 1870.

as well, for we all used to talk. But I was made a set on, and made to stand whatever was to be said. The governor used to come to the works and tell the officer to report us for talking.

9956. (Chairman.) Where was this?—In Portland. I recollect officer Jones came to the works one day, and he said there was talking going on there. After he left, I had a conversation with the superior officer, and he said he should report some of the men, he told it to me himself. I said, "Report me. I do not want to get you into any trouble," said I. "I have been talking." He took down the names of six or seven to report, and he said he got orders next day not to report us. Just as the wind used to blow from Ireland, in these troublesome times they had a back at us, or used to deprive us of a bit of our daily bread or something.

9957. (Mr. De Vere.) Do you hold in your hand a record of the prison punishments and reports?—Oh, yes, but it is only just giving the dates of some things; it is a mere summary, a garbled statement.

9958. Does that record show that on that day, the 28th of December 1866, you were reported with others for talking?—It is entered here, Mr. De Vere, "Talking on the works, and insolence when spoken to." That is all that is down. If I got a correct copy from the books I should have all that occurred on the matter.

9959. Was the punishment that was awarded to you for that charge 72 hours on bread and water, and 14 days in solitary confinement on penal class diet?—Yes, that was awarded, Mr. De Vere, for that offence.

9960. Was there any complaint made as to the nature of the conversation that was going on between you?—Oh, no; there was never any complaint made as to that.

9961. What was the nature of the insolence alluded to in that report?—I cannot say. I was not insolent. I have spoken two or three times to officers in this prison, and out of this prison, just only two or three times, when they provoked me very much in what I would call an insolent manner.

9962. "Talking on the works, and insolence when spoken to, 720 marks; ordered 14 days' penal class diet, 84 marks reduced for remission."?—You must not consider that the loss of these marks might not be punishment, for it is punishment, and a severe punishment, because I have not spent one year in prison yet according to discipline, although I can live.

9963. (Dr. Lysons.) You state that in another place, and we will get your explanation distinctly when we come to it. For these separate offences committed in what was read from that record, were you punished on the several occasions, independently of the punishment mentioned in connection with the 28th of December '66?—No, I do not recollect that I was. I have two days' bread and water here on the 22nd, and two days' bread and water, and 480 marks, and 84 marks remitted.

9964. On the 22nd of December 1866 you got two days' bread and water?—Two days' bread and water for talking on the works.

9965. Then am I to understand that this punishment of the 29th of December, 72 hours' bread and water and 14 days' close confinement on penal class diet, had reference to what took place on the works on that day?—Yes, and certainly no insolence from me to any officer.

9966. (Mr. Brodick.) Do you state that you heard governor Clifton order the warden to report any of the treason-felony convicts?—Yes, I recollect him twice coming and charging the officers about our talking, and on this occasion after he went the officer saying he should report some of the men.

9967. Did you ever hear the governor actually say to an officer "You must report some of these men"?—No, I did not, but Mr. Carey told me he did.

9968. (Chairman.) I understood you had heard it?—I heard the governor charging the officer about our speaking, my lord.

9969. (Dr. Lysons.) Who is Carey?—Martin Henry Carey, one of the released political prisoners, and he reported the governor to the director, Mr. Fagan.

9970. (Chairman.) On the occasion of your wife's applying to the governor for leave for you to write to her on some matters connected with your pecuniary affairs, what did the governor say to you?—He told me he had this communication from my wife and to write on a slate what I had to say and he would get it copied and sent to her. On something else in about a month I was before him on some matter, and I asked him if he sent this matter to my wife. He said, "No, I did not, I could not be sending your love-letters to your wife, and besides," said he, "it would lessen your punishment."

9971. Are you quite sure that he used those words?—Yes, my lord, I am quite sure that he used those words.

9972. (Dr. Lysons.) Can you explain that?—I wrote on my slate what at his request I was to write, and he said he would send it to my wife; and in about a month after or less, I asked him if he had sent the copy, and he said "No, I could not be sending your love-letters to your wife; if I did it would lessen your punishment."

9973. What did you understand him to mean by that?—Because, I suppose, I spoke in some terms of affection towards her. In answering her questions I might have said something, and he seeing this made this reply.

9974. (Mr. Brodick.) Did you understand him to mean that allowing you to communicate with your wife would be so far a diminution of your punishment?—Yes, I did.

9975. (Chairman.) Did any further conversation take place between you and the governor in reference to that matter?—Well, I cannot call to mind now, my lord.

9976. As to your treatment in English prisons did you say anything?—Yes, my lord. I made some remark about being treated so in English prisons, and he said, "Your treatment is too good for you, 50 years ago you would have been hanged." In one of those letters that I gave in to you, my lord, from Portland, the matter is correctly stated. I forgot the matter. Many things escaped my memory, of course, occurring four years ago, which I was reminded of by reading that letter.

9977. You say that at Millbank some writing was found on the person of another treason-felony prisoner?—Yes, my lord.

9978. And that you were suspected to be the writer, though your name was not to it?—Yes, my lord.

9979. What followed in consequence of that?—Well, at about 4 o'clock in the evening, my lord, in December, two officers came to my cell and asked me outside the cell, and stripped me outside the cell in the corridor, and then went into the cell and searched it.

9980. They stripped you in the corridor?—In the corridor, my lord.

9981. Can you fix the time?—It is in December, my lord. Perhaps about the 10th of December '67.

9982. You were brought before the director afterwards, were you not?—I went to the chapel the next morning, and after coming from the chapel, somewhat between 8 and 9 o'clock, I was taken to exercise direct from the chapel with other prisoners of the ward, and while at exercise I was called into the tower in the centre of the yard, and I was stripped naked there again, about 8 o'clock in the morning.

9983. This is the day which you speak of in your statement as being stripped three times?—Yes, in 24 hours, my lord.

9984. Was there anything found on you?—Nothing was found, my lord. I was then put into a darkened cell, a refractory cell, not entirely dark, a cell with a hole in the middle of it, and I was left in this cell for three days, from Friday till Monday. Mr. Hendy, one of the chief officers, then came and took me out of the

cell and said I was to go back to my own cell, that is to the ordinary cell, and that it was decreed that I was not to be allowed to go to chapel any more in the morning. That was I think on Monday, my lord.

9985. Did they tell you what your offence had been?—Oh, yes. I was charged before the governor the first day I was shipped at 8 o'clock in the morning. I was charged with writing this paper that was seized, and I said nothing. But I do not know did he say he would send me before the director. At any rate I was put three days in the refractory cell. Mr. Hardy on Monday told me that I was not to go to the chapel any more in the mornings. On Thursday I went to my work, and did not go to the chapel. On Thursday I was taken before the director about 1 o'clock, and I was charged with writing this paper. He said that—

9986. (*Mr. De Vere*.) Was it with writing the paper that you were charged?—With writing this paper that was found on a prisoner named James O'Brien; James Xavier O'Brien. It is not necessary I suppose to tell the Commissioners because it referred to me; whatever was written was a note that spoke about the director saying something to the prisoner Rossi, to me. The director said to me, "So you think that of me." "Well," said I, "I, in anything I wrote about you, I wrote what I think." It was nothing disrespectful, but it presumed to state some interview between him and me. I led him to understand that it was I wrote the note; "In anything I wrote I wrote what I believed," and he said that he would as punishment stop a visit, the ticket of which had been sent to Mr. Pigott of the "Irishman" office, Dublin; it was previously sent, and it was on that day I asked to see the prisoner Duffy. Mr. Duffy was dying, and I said I would take seeing Duffy as a visit that was due to me, and he said I could not see Duffy. After that I was brought out to exercise without the director telling me any other punishment. I was taken direct to exercise, which I thought would not be the case if any further punishment was recorded. That day I went to my labour again after exercise, and next morning about 6 o'clock I was taken out of my cell and taken to the refractory cell again. I asked what was the punishment for, and I would not be told, and presently came 8 ounces of bread and a pint of water, and of course that told me that it was some punishment that was commencing. I asked what was it for, and how long it was to continue, and I would not be told. Then, my lord, as I tell you in the report, I broke the spy hole of the door. I was put into another cell. I made some noise and kicked the door I believe. I was put into another cell, and I broke that too, my lord. I was put in irons in the other cell, and I knocked out the trap of it. The officer came in and caught me by the throat and raised a stick to strike me. Then I was taken to the dark cell, my lord. It was in this dark cell that I had to go out the stairboat on my ill-fours nearly, in Millbank.

9987. Were you manacled in the dark cell?—Yes, manacled two days and two nights.

9988. The handcuffs were in front?—In front. I learned afterwards that it was six days' bread and water, and 21 days' penal class. So in the six days' bread and water, the fourth day came in for penal-class diet, and the penal-class diet is stairboat in a dish. I was after breaking the spoon in the penal-class cell in which I was, and there was an order issued that I was to have no other spoon. I asked for a spoon, and they said "No." I felt somewhat hungry, and had only to put it down on the floor and go at it as described.

9989. (*Chairman*.) The handcuffs were not unloosed during meals?—No, my lord.

9990. (*Mr. Broadrick*.) Had you not destroyed the spoon?—Yes.

9991. (*Dr. Lyons*.) Were the handcuffs that you had on then handcuffs with a small link connecting them?—No, they were the close handcuffs.

9992. Quite close?—Quite close.

9993. So that you could not possibly help yourself to your food as you could have done if they were handcuffs such as we saw the other day with links?—Yes, and as I could not see the hands, I had to go on my hands and knees, not having a spoon.

9994. If you had a spoon could you use it?—Well, I suppose I could; but in a dark cell—

9995. (*Chairman*.) It was not an absolutely dark cell?—An absolutely dark cell, my lord, a stoney under ground, such as the cells you have seen that I have been in over here, with double, triple doors.

9996. We have been in that cell in Millbank?—It is down, under ground.

9997. We have been shut up in it?—Well, my lord, I would not like you would.

9998. You had to go on the floor to eat your food?—I had to go on the floor, on my elbows and knees.

9999. (*Dr. Lyons*.) You lapped it out of the dish?—I lapped it out of the dish.

10000. What size was the dish?—A dish of 8 inches perhaps in diameter.

10001. A timber dish?—A wooden dish.

10002. You did this one day?—One day; once, I had to do this, go on my elbows and knees at the stairboat. Of course I could not bread.

10003. There was no stool or table or resting place on which you could put the wooden bowl?—No resting place. There is a bed board, but that is only a few inches off the ground.

10004. Was the cell absolutely dark at the time?—Absolutely dark, Mr. Lyons. You could not see anything.

[*Principal-Warden Dalton is called in with handcuffs.*]

10005. (*Dr. Lyons*.) What are these technically called?—Figs of eight, sir. (*He puts them on Dr. Lyons.*)

10006. Are those similar to the handcuffs you had on?—(*Prisoner*.) Yes, sir.

[*Dalton removes the handcuffs and withdraws in order to bring a different kind.*]

10007. Were the handcuffs you had on closer or looser than these?—They were not so loose as these, for I sent to the doctor to represent to him that my hands were pained by one of them. This was in the dark cell in the morning. I recollect the doctor came and when the lamp was held up to my hand to see it, I saw that my wrist was bloody; that during the night it had wounded me some way. The guard is thick and will not run in the dish and you cannot slip it.

10008. (*Chairman*.) Was this for one or two days?—One day. I was two days in the irons, but I had not the opportunity of getting the food the second day in the dark cell.

10009. Did you not get food the second day?—I did; bread and water.

10010. Were you able to eat it with the manacles?—Of course you can eat bread.

10011. Or take a dish of water?—Yes.

10012. But you could not have got at the gruel?—I tried to get at it as I tell you, my lord.

10013. (*Mr. Broadrick*.) Are you clear upon this point, that you were manacled during two days, day and night?—Not two consecutive days. There was some day between them; once, 24 hours, and another 24 hours.

10014. But you are quite clear that the handcuffs were on two nights?—Yes; I did not get my bed the first night, the mattress was kept. I got only part of the bedding the first night; I got the whole of the bedding the second night.

[*Dalton here returns with handcuffs, puts a small pair on Dr. Lyons, and after talking them off withdraws.*]

10015. (*Dr. Lyons*.) The cell that we examined was I think a very small one. Did you find that you had room to lie down on the bed board of that cell?—No; I noticed that it was very small. I think it was rather short too.

J. G. Devereux
(Ross).
26 July 1870.

J. Dalton.

J. G. Devereux
(Ross).

J. O'Donovan
(Borne).
26 July 1870.

10,015. What is your height?—My height is about 5 feet 10, I think.

10,017. The length of the bed was 5 feet 4 inches?—I recollect, it made a fixed impression on my mind, the cold of the night, because when the clothes got off I could not put them on again.

10,018. Your height is recorded 5 feet 9½ inches?—I am going down, I suppose.

10,019. The length of that bed is 5 feet 4 inches. Did you find that you had great difficulty in lying down in that space?—Yes, there is something on my mind that it was not long enough, or something uncomfortable.

10,020. Did it appear to you to have added to your suffering in that cell, that you could not lie down at length on the board?—Yes, Mr. Lyons; but what particularly impressed itself on me, was the cold during the night, for the bed-clothes fell off and I could not pull them on as I could not use the hands.

10,021. What clothes had you?—One night I had a mattress. The first night I had only part, and the second night I had the usual allowance of bed-clothes.

10,022. Was the mattress left with you?—It was on the second, but not on the first night.

10,023. Were your body clothes left with you?—Yes, they were left with me and the boots were not taken off at all.

10,024. (Mr. De Vere.) Were they kept on both nights?—Yes, kept on both nights.

10,025. Did I understand you to say to Mr. Brodriek, that those two nights were not consecutive?—They were not consecutive, Mr. De Vere.

10,026. What interval was between them?—There might be a day or two; at least I think so, for I know very well, that I was after the lapse of one day brought out of the cell, and fastened again the same way; that was when I was in the second time for the second 24 hours.

10,027. (Mr. Brodriek.) I will just read the entries against you those days, from the 19th to the 23rd of December, in order that you may make any remarks you think necessary about them. On the 19th you were charged with attempting to break the cell door, smashing the inspection glass, forcing the screw of the bolt, and saying, "They have been doing as they like with me, and I am now going to have a game"?—That is an expression I have not used. I might have said something.

10,028. (Chairman.) Something to that effect?—I said something.

10,029. (Mr. Brodriek.) Is it true that you did try to break the cell door, and that you smashed the inspection glass?—It is; but about the screw I did not. I recollect that I broke the trap door, and then there are screws in it, and the screws of course fell out.

10,030. Then on the 20th it is stated that you further broke the trap door, wrote on the walls and the door, shouting, "I am a Fenian," and singing Fenian songs?—That is an expression I never used. Of course, Mr. Brodriek, I was a Fenian, but I never said it or sang Fenian songs.

10,031. (Chairman.) You distinctly deny that?—I distinctly deny that I ever made use of the expression "I am a Fenian," either in prison or out of prison.

10,032. (Dr. Lyons.) Did you sing Fenian songs?—I cannot sing. I do not know what are called Fenian songs, Mr. Lyons.

10,033. You cannot sing?—I cannot sing. Whenever any of my friends who know me would hear of my singing, they would burst out laughing at the idea of my singing.

10,034. (Mr. Brodriek.) On the 23rd, "Disfiguring a pint, writing on the cell wall, filling the key hole with pieces of a broken bowl"?—My lord, I think I tell you in the report, that after being obliged to go on my face and hands to eat I broke the bowl.

10,035. (Chairman.) How did you succeed in breaking it?—With my feet.

10,036. (Mr. Brodriek.) And did you put pieces of it in the keyhole?—I did, my lord.

10,037. (Chairman.) Were your hands handcuffed at that time?—They were, my lord.

10,038. But you still managed to get the pieces of the bowl into the lock?—I did, my lord.

10,039. In the paragraph at the bottom of page 3, you say, "One day I was yoked to a cart with these men, drawing stones, and I had a noose of the rope over my neck. The car heeled over, the shaft flew high in the air, and the rope slipped off my neck without doing me any injury; the danger was in its hitching on my neck. A second time that day the car heeled over before its time, and at this occurrence I was in no danger, for it had arrived at its destination, and the rope was off my neck or 'loose.' Will you tell us what occurred at that time?—I was, my lord, the morning in question yoked to this cart with a noose of rope around me.

10,040. With other men?—With other men, my lord. The cart was full of stones, and drawing it the men who were detailed to keep the cart from heeling, or "tipping," as they call it in prison I believe; I do not know whether they intended it or not, but the car tipped or heeled, the shaft flew up in the air, the rope round my neck was quickly taken off, and had it blotted on my neck I would have been hurt.

10,041. Who were the men that were behind the cart?—Two prisoners named Crane and Stephens. I would not be surprised if Stephens is in this prison still, but the other man there, his time was short.

10,042. You say the rope was around your neck. Describe how it was?—It was this way (see one shoulder). Any way it was around my neck on the moment.

10,043. (Chairman.) Not under one arm?—I hadn't it under one arm, my lord.

10,044. (Dr. Greenham.) Were you directed to pass it in that way?—No, I got no particular directions about the matter. Possibly it was considered such a consequence could not ensue.

10,045. Did you see others pass the rope the same way?—Well, yes, nothing particular fixes itself in my memory as to prisoners passing it under the arm or not. Some used to catch the rope and put it on the shoulder without putting it over the neck at all. There were no particular instructions. Some would not put it on the neck, but catch it, my lord; but I had it on my neck as I tell you. On the second occasion the same day the car arrived at its destination, and while one of the men was taking out the tail board it heeled again by accident, but then I was out of danger this time; I had the rope off my neck. I mention this because my wife told before me some account the Secretary of State gave. This has reference to the second occasion when I was not at all in danger, and does not at all speak of the first matter, I heard the officer Thompson say that he reported these two men who were behind, for letting the car heel. I heard him say, "It is very strange. I never saw such a thing occur before."

10,046. (Mr. De Vere.) You say that you were afraid to work with those men?—After that, Mr. Dr. Vere, I applied to the governor to be allowed to work in my cell, and not to be put amongst these prisoners, and he would not give it to me.

10,047. That is, you wished not to be sent to work with those prisoners who put you in such danger?—Yes, I did not like to be with them.

10,048. Was your application granted to you?—No, it was not, Mr. De Vere.

10,049. How often did you ask?—I asked about three times. I asked the director. The director only made matters worse, for he issued orders that these men were to be set a certain distance apart, and worked so that there would be no annoyance given to me; and these men being set apart in that way, and prevented from speaking, they got more unpleasant, and I felt the position more than before.

10,050. Did you get any punishment for refusing to labour with these men?—On two occasions I refused to labour before the 1st of June, and got punishment, three days at one time and two days at another time.

Any way, I believe three days at the time, with the option of going out to work any morning during the three days. I think I went out one time the second morning; but on the 1st of June I made up my mind not to work with them.

10,051. Was your reason for refusing to work with them that you considered yourself in danger with them?—Yes, in danger, and in a most unpleasant position; these men feeling that they were kept in a state of punishment, kept isolated from all the other prisoners, even in the chapel, and kept in punishment inside, and made to see that I was the cause of that isolation; because any days that I was kept on bread and water they used to be taken outside the prison walls to work, but never taken out when I was amongst them. I complained of that to the governor and director, that it was not fair to show them that I was the cause of their being submitted to such restriction.

10,052. You were kept, you believe, on bread and water three days for refusing to labour?—Yes, on two occasions. Here is "May the 4th, refusing to go to labour, three days' bread and water, with the option of each morning of going out to work."

10,053. (Dr. Lyons.) I have here, "May the 4th, J. O'D. Room three days' punishment diet, with the option of going out to labour every morning." You were reported on May the 6th, and on May the 7th got two days' punishment diet and to pay for all damage done on the occasion that it refers to?—Will you let me have a few words on that report, my lord.

10,054. (Chairman.) Yes?—I have it here recorded: "Defacing his graveness and library cards," "writing on his cell door, and drawing on his cell door."

10,055. (Dr. Lyons.) That is on May the 6th?—"Drawing on his door" was making some geometrical figures while I was on bread and water; and "defacing his graveness and library cards." That was, my lord, in consequence of my inability to get the governor to take down any words in writing the answers to the charges. This morning I happened to get a lot of lead; I found it in the yard, and I brought it in with me, and on those two cards that were in my cell, my lord, I wrote what I intended to be my reply to the charge against me, in order that I would get him to take this down in his book, the way I was in and why I did certain things; and if he did not do that that I would be reported for writing on the graveness card, so that when I was taken before the governor and asked what I had to say I took the cards out of my pocket and said I put it on those cards, so he would not take down the reply. I pressed him as much as I could to take down the reply from the cards, but he would not do it. The report is here, "defacing his library and graveness cards." Of course they were defaced, but I tell you under what circumstances. "Writing on his cell door" is also a continuation of the same thing.

10,056. Here is, on the 11th of May, "J. O'D. Room, reported by Assistant-Warden Thompson for leaving his work without permission, and refusing to labour, about 7.15 a.m.," and on the 13th of May it is reported, "J. O'D. Room went out to labour; to receive full diet; remitted two days' punishment diet, by order of the governor." Is that so?—Yes, that is so. "Leaving his work without permission": I will tell you what that means. I recollect this morning I determined—I refused to work in consequence of the unpleasantness of the complaints of the men after going to the sink to lift the water. After doing this I was standing up. I approached the officer near my block. "Officer," says I, "I am determined to work no more." I went up about a yard from my block and spoke to him: that is what he calls "leaving my work without permission." But, Mr. Lyons, perhaps in that book you have a record of other reports against prisoners. Now it is in these days that affair occurred that I knew two prisoners named Crane and Stephens were reported for a matter,

but nothing happened to them, for the governor said it must be an accident.

10,057. (Chairman.) You say that those prisoners were reported to?—Yes, my lord, for the offence of allowing the use to be made.

10,058. (Dr. Lyons.) What are their names?—William Crane and Stephens.

10,059. What was the date?—I cannot exactly say what date, Mr. Lyons; but any way it is before the 1st of June, and perhaps the latter end of April or the beginning of May.

10,060. You stated that you were further punished subsequent to the date we have now come to, the 1st of June; is that so?—"May the 25th, shouting and singing, also for highly improper language?"—Oh, I recollect that now.

10,061. Is there anything between May the 12th and the last I read out for you, May the 25th?—No, I think not, Mr. Lyons.

10,062. (Chairman.) What happened on May the 25th?—The 24th was a Sunday, my lord. I was in the chapel, and at the chapel I put one leg across the seat, a week.

10,063. (Dr. Lyons.) Here is a report for disorderly conduct during divine service, and a further report for shouting, at 6 p.m.?—Perhaps, my lord, that will bear out what I was going to tell you.

10,064. On the same date there is a further report by Assistant-Warden Burko, for singing and shouting, and thereby disturbing the order of the penal class at 7.15 p.m.?—On Sunday, when I came from chapel that day, the officer placed me under report for my conduct at chapel.

10,065. (Chairman.) What had you done at chapel?—For putting my knee across. I believe he charged me with looking at another prisoner. When I came from the chapel I was reported for the offence, my lord. My cell was cleared out of all its contents. It seems I was under report under such circumstances. It seems that I did not commit a great offence at the chapel, but as I saw myself under report I made some noise in my cell by reciting as I did when I put no restraint on myself when I saw the men determined to punish me. This noise was added to the report next day, and now it appears the whole report was for shouting and singing, and highly improper language. I did not know what the highly improper language was. The officer of the ward when I was before the governor reported that I was singing treason songs. I told the governor, distinctly, that what I was repeating that evening was this quotation from Cowper:

"We have no slaves at home; then why abroad?
And they themselves are scarce hurried o'er the wave
That parts us, are emancipated and loosed.
Slaves cannot breathe in England; if their lungs
Receive our air, that moment they are free;
They touch our country, and their shackles fall."

It is in Cowper's "Task."

10,066. (Chairman.) I know the passage:

"Slaves cannot breathe in England; if their lungs
Receive our air, that moment they are free:
They touch our country and their shackles fall.
That's noble, and bewhims a notion proud
And jingles of the language."

10,067. (Dr. Lyons.) On the 24th you were removed to the dark cell. On the 25th there was a report made in reference to the 24th, "J. O'D. Room reported for defacing his cell by writing on the back of the door." And further, "J. O'D. Room, two days' punishment diet and removed from dark cell, by order of the governor, 12.30 noon."—On one occasion, my lord, I distinctly recollect that I was put into this dark cell without making any noise whatever; that Mr. Allison accused me of repeating in the cell when I was only speaking in a whisper; when he brought me out to the governor, although I was determined to be quiet this time. He said I should not be going on so. He went outside the cell and listened. I thought what I was saying in a whisper could not

J. O'Donnell
(Witness).

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be heard outside; he listened outside and he came in and sent me to a dark cell.

10,068. (Chairman.) When was that?—On one of those occasions when I was only speaking in a whisper, my lord.

10,069. Did Alison send you to the dark cell without speaking to the governor at all?—Yes, my lord.

10,070. How was that?—He threatened that if I did not stop whispering to myself he would put me in the dark cell. He went outside and listened. I kept whispering to myself, not above a whisper, and he opened the cell door and put me in the dark cell for three days. On other occasions I used to make a noise.

10,071. How do you know that he did not communicate with the governor about it?—Because he was listening at the door.

10,072. He put you at once into the dark cell?—Yes, my lord, he did.

10,073. He did not go away from the door?—No, my lord, he did not go away from the door.

10,074. Were you brought before the governor next day?—No; I was before the governor that day and this was after my coming away from the governor.

10,075. (Mr. De Vere.) In the punishment that you got from the governor that day was there any dark cell punishment?—No, there was not. I distinctly recollect that any dark cell punishment I got from the governor here, any punishment I got that way, was for making noise in my cell.

10,076. (Mr. Brodrick.) You have been often in the dark cells, I am afraid. Have you ever been brought before the governor and asked what you had to say before being sent to the dark cell?—Never, sir.

10,077. Have you always been taken to the dark cell on the report of a warder?—Yes, sir.

10,078. And without giving you an opportunity of saying anything yourself about it?—Yes, I have sir, always. I got three days' dark cells in Portland—it is recorded in the books—for refusing to salute the governor and using what is called insulting language in trying to get the affair of the assize corrected, my lord.

10,079. (Dr. Greenhow.) In one of your own letters published in the papers you say, "Let them starve us and starve us legally." As a matter of fact were you starved?—No, sir.

10,080. What do you mean by "starve us legally"?—That is, starve us legally. Well, I suppose I meant by that that I was starved without sufficient cause, for instance being starved on a charge of illness when I had my work done. Would you show me the passage?

10,081. It is a passage from your printed letter published in the Irish papers. I have taken down the exact words. Have you any complaint of your food?—As things are at present I have lost my appetite. Something has taken my appetite away from me.

10,082. Is it that you have more food than you can eat?—I have more food than I can eat, for the past week, once and a half or more than I can eat, since this affair began.

10,083. Have you any complaint with regard to the quality of your food?—No. I make no complaint as to the quality of the food; for I am here under the treatment of a convict, an English convict, and when the authorities consider that I am a fit subject for that treatment I am not going to speak or to complain of food or anything connected with it; but I always claim as a right to speak of the treatment I receive. They may treat me any way they please. My duty is to bear what they impose on me and not to complain.

10,084. Do you consider the food wholesome?—Well, for a time, even when hungry, I did not like to use the food—some of it.

10,085. Specify the particular articles that you did not like?—Food that is called soup—shin of beef.

10,086. Shin of beef soup?—Yes, I was a long time put to the shin of beef soup and could not use it; when I could eat better food or food that I would like

better. In fact I used to find, and one day did find, a piece of the shin, a piece of the hide in the soup.

10,087. Did you find it yourself?—I found a piece of the hide myself. I took it to where we were at work and showed it to the prisoners. I showed it to Officer Douglas who was in charge at the time. I recollect the prisoner Burke got hide, and O'Connell one day showing us all that he had found something in the soup; and several things that way that we found that were calculated to disgust a person.

10,088. Was that occasion when you found the hide in the soup the same as when O'Connell found the piece of hide?—Oh, I think not.

10,089. Do you recollect anything about O'Connell finding a piece of hide?—I recollect O'Connell finding something.

10,090. But you refer to different occasions?—I refer to different occasions.

10,091. Have you any fault to find with any other food besides the soup?—For a long time I could not use the gruel, and I used not to take it at first; but last year, about this time twelve months we got tea instead of gruel; what is called tea. For the class of prisoners who have to be punished in England under these circumstances, I suppose even that kind of tea would not consider it good. Even so, I do not like to be speaking of such things.

10,092. You say in the same letter that when you were handcuffed in Millbank the officer seized you by the throat and used a club to strike you?—Yes, that is so.

10,093. On what occasion was that?—On the occasion of my being in the second cell. When I was taken from the cell I broke the spyglass in to another cell, and broke the trap-door of that, and drew back the bolt, and opened the first door. The gate was locked. He told me to shut the door. I said I wanted some one to see I did not shut the door. Another officer came, the principal officer, and the man who had charge of the ward rushed in and caught and struck me. I cried, "Coward, to strike a man chained." He raised his club to strike me, and the other officer said "Don't hurt him."

10,094. (Mr. De Vere.) Who was that officer?—I do not know the name of either of them, but I could recognize either of them. You will learn the name of the officer who seized me, Mr. De Vere; he was in charge of the ward I was in in December. I was on board and wrote Christmas-day.

10,095. (Dr. Lyons.) Was this in the year '67 in Millbank?—Is '67. The name sounds something like Gaggis or Ogden, or something that way.

10,096. (Mr. De Vere.) The officer you speak of was the officer who was in charge of the ward at the time?—Yes, the warder.

10,097. In charge of what?—In charge of the ward in which this penal class cell was.

10,098. How do you describe it?—I could not give you any description of it: the cell of the trap-door of which I broke. I broke the trap-door; that will describe it; and the glass that was over the door.

10,099. You broke the glass over the door?—Yes, and the trap-door.

10,100. (Dr. Greenhow.) There is a passage in your letter to the effect that the temporary closet at the quay was cleared every three weeks, and that the officer said he would make two of you clean it every Monday morning in future, and was as good as his word. Where did that occur?—In Portland.

10,101. What was the officer's name?—Gunning.

10,102. When did it happen?—In the summer of '65.

10,103. Was that closet used by the treason-felony prisoners?—Perhaps about June '66.

10,104. Was it used exclusively by the treason-felony prisoners?—Yes. This officer told me that I would have to serve the next day and clean it. I went the following day to the Governor of the prison and told him that the officer told me this, and asked him was that work expected from me, and he said "Yes," so I cleaned it then.

10,106. Had other treason-felony prisoners been cleaning it previously?—Yes, it was cleaned I think twice, by two each time.

10,107. Your time for cleaning it had come, and you objected to do it?—Yes. I did not object to clean it. I went to the governor and asked him was that work expected from me. I did not get orders to clean it; but the officer said, "It will be your turn on Monday." Before Monday I went to the governor, and asked the governor was that work expected from me, and he said "Yes." So when the officer learned this he got angry, and said I will make two of you clean it every week.

10,107. And from that time it was cleaned every week?—Yes.

10,108. But you did not clean it every week?—Oh no.

10,109. Two of you were told off week after week to do it?—Yes.

10,110. (Mr. De Vere.) Explain in what way you had to clean it?—To draw out the slide. The slide received the matter. To draw it out, take it to a pit and throw it into the pit and cover it up, and clean out the slide and bring it back again.

10,111. (Chairman.) Was it an earth closet?—An earth closet; there was no pipe in this, my lord.

10,112. (Dr. Greenlee.) The slide was a sort of box?—Yes, a timber box. There is an earth closet here, but that was not an earth closet.

10,113. Were you ever allowed to write to your mother?—No, never.

10,114. You never were allowed?—No; I asked several times. Yes, I think I wrote her a note last September or October. I made application to write to some of my friends. I think I wrote to her enclosed in a letter to my wife.

10,115. Did it go?—Well, I think so. Yes, it went.

10,116. (Mr. De Vere.) Will you turn to page 8 of your prison statement?—Yes, Mr. De Vere.

10,117. You say there, "His subordinates," that is Allison's subordinates, "used to follow his example, and one of them, when in the morning I used to stoop down to take in my clothes from outside the cell door, used to kick them up in my face"?—Yes, that was Thompson. He did that.

10,118. Thompson did that?—Yes.

10,119. Explain how he did it?—In separate confinement that was. My clothes were taken out every night outside the cell door, but I got them back in the morning. In the morning, when the officer would open the door, I used to take in my clothes; and these mornings, it was after committing the offence on the governor, he did it a couple of mornings. When I was stooping down to take up my clothes he put his foot to them and threw them up, not in my face, but into the cell. I spoke to Mr. Allison, and represented what necessity was there for doing that; and could not I be allowed to take in my clothes without doing that; and his reply was something like "Does it take a bite out of you," or "does it injure you," or some remark of that kind. So I took no further notice of it. I believe he did it for the purpose of having me do something, or acting some way that would give him an excuse for striking me with the stick.

10,120. Did you ever represent it to the governor?—No; I represented it to the principal officer of the ward, Mr. Allison, and he only took the officer's part in the matter.

10,121. You say, in page 8 of your statement, "My letters are suppressed because I speak of my treatment, and the British Government defines my character by saying that it is because I have told 'lies to them.'" What do you refer to there?—I refer to the statement that I gave you in a few days ago, which I understand emanates from the Secretary of State, in which he states that my letters to my wife were suppressed because they contained falsehoods. That is in one of the paragraphs of a paper I gave you in, and I have very good reason to believe, from the

internal evidence in that paper, that it is an official paper, because it speaks of things that could not be spoken of by any one except a person connected with the Government. I gave in those letters to my wife, just to challenge any allegation as to their containing any falsehoods.

10,122. Have you on any other occasion been charged with making false statements with regard to your treatment in prison?—Well, I do not recollect anything particular to speak of just now, Mr. De Vere.

10,123. (Dr. Lyons.) You made a statement in a paper I hold in my hand, in which you applied for permission to write to your mother?—Yes.

10,124. Was that permission granted to you?—It was not, sir. I applied in Portland for permission; I applied, I think, in Millbank for permission, and it was not granted to me. I did that as a matter of duty, because she is an old woman, perhaps over seventy years of age. Well, I did not get permission, Mr. Lyons.

10,125. You did not get permission?—No, I did not get permission.

10,126. Did you get permission at any time to write to her?—I think I did here last year.

10,127. Have you received any letters from her?—No, I have not.

10,128. Are you aware whether any letters from her have been addressed to you?—No; and that is another matter that I would wish to speak of. A prisoner, I think, has a right to be told. If letters come to me I think I have a right to be told that they have been suppressed. Many letters have come to me, and have been suppressed, and I have not been told who they were from or when they came.

10,129. Do I understand you to say that you never received a letter from your mother while in prison?—Never.

10,130. And that you are not aware whether any letter has come from her for you?—I am not.

10,131. Was the letter that you wrote to her one likely to receive an answer from her if she got it?—I think so.

10,132. How long is it since you wrote?—Last October I think it was.

10,133. And you have heard nothing from her since?—Not since; but I am sure letters have come to this prison for me, and I have been told they came, but I would not be told who they came from. But an ordinary prisoner would be told if a letter is suppressed who it is from, but I have not been told.

10,134. (Chairman.) Is it in your knowledge that an ordinary prisoner would be informed if a letter to him is suppressed?—Well, I could not give legal evidence on the matter, my lord; but from what I have learned in prison from speaking to prisoners on the matter.

10,135. (Mr. De Vere.) When a letter that you write for the purpose of sending out is suppressed, are you informed of its suppression?—Sometimes. These things are very unsatisfactory.

10,136. I should wish for a distinct answer to that, so far as you know. Do you know whether you always get notice whenever a letter written out by you is suppressed?—Yes; I learn it after some time, but the authorities are not particular one way or another.

10,137. Are you informed of its suppression at the office by the governor?—Yes; I have been informed at the office of several letters that were suppressed; but others I have not been informed of until I inquire, and then I am told they are suppressed.

10,138. But you know of no similar rule applying to suppressed letters coming to you?—No, I do not, sir. I think the practice is to tell the prisoner that his letter is suppressed, when a letter comes to him from outside to tell him who wrote it.

10,139. You think that to be the general rule?—Yes. I will tell you another circumstance. In Portland—my wife wrote to me before I left Portland in 1896, and I was not told that a letter from her for me had arrived there. It occurred about the time that

J. O'Donnell
(Rene).

24 July 1870.

J. O'Donovan
(Rouse).
28 July 1870.

the governor told me that he could not be sending my love letters. My wife wrote to me on November the 8th, and I did not hear a word of it. I came away to Millbank. I asked, Had any letter been received from my wife, and I was told not. I had a visit from my wife in May, and she asked me, "Did you get the letter that I wrote to you in Portland?" "No, I did not." Mr. Power, the chief warder, said there was no letter come from Portland. I do not think that I went to the governor himself to ask him. I was so satisfied with Mr. Power telling me that no letter had come. The deputy-governor came around to my cell one day, and something about letters, and I asked him about these letters. Were there any letters for me? "No," said he, "there are no letters for you that you have not got, except a letter from your wife that came here from Portland." That was the letter that was denied up to that, and I learned it by accident in this manner. I applied for that letter then and could not get it. In about four months afterwards I went before the director a second time. I asked him to give me so much as he could of the suppressed letter, and to suppress the rest of it, so he said he would consider it, so he gave me six sheets.

10,140. Was that the whole of it?—All but one sheet, and I guessed that that was the letter that had been written 10 months before, and I remaining under the impression my wife would not write to me, and she under the impression I would not write to her. It is very wrong to say the least of it. My son, it seems, wrote to me last January. The eldest son is in America. He is going on 17 years of age. I was surprised that I did not get a letter from him. A letter came to John McClure, a prisoner, a few months ago, and it says, "Bassa's son wrote to him last January, and has not heard from him." I went to the governor, and he had not any account of it, but he says there is a letter from Paul O'Donovan for you. I never heard of that letter from Paul O'Donovan.

10,141. Is that your son?—My son's name is Dennis O'Donovan.

10,142. (Mr. Brodribb.) Have you never received that letter from your son?—Never, sir. I wrote a letter about two months ago to my wife. It was suppressed, because it contained passages that were deemed objectionable. The governor told me that I could re-write it, leaving out those passages. I re-wrote it, and the governor afterwards told me he had sent it off, posted it, and my wife has not got that letter up to this moment.

10,143. (Dr. Lyons.) When was that?—About two months ago, Mr. Lyons.

10,144. Is that letter amongst the suppressed letters that you have received?—No, it is not.

10,145. Was that suppressed letter not furnished to you amongst the others?—No, it is not.

10,146. Is it not amongst those supplied to you?—It is not, and it is no wonder that I would feel a little annoyed. Of course you cannot take into consideration or calculate these things; the fact of my wife thinking I am not writing to her, and I thinking she is not writing to me. Here is a passage from her letter in America: "If what the governor said was true about your breaking the rules so often you certainly did not, or do not care to write to me. I do not mean to write a long letter until I hear." Tell me, have you grown really so indifferent regarding what I may think or feel that you make no efforts to give the goodwill of your fellow of "officers."

10,147. Is that from your wife from America?—That is from my wife, sir. It is no wonder that I would feel annoyed at these things.

10,148. Did you state that you had not got all the letters that had been suppressed in this prison?—No, sir. There is one suppressed and a second suppressed. There are two suppressed.

10,149. There are two that have not been furnished to you amongst these?—There are, and there is a letter to the board of directors I expect to get as to the affair of the letter said to be written to Moore's

wife, a memorial to the directors about requests that I have not got either.

10,150. (Dr. Greenham.) We are trying to get that letter, and we have telegraphed for it?—I hope you will get it.

10,151. (Chairman.) We have done all we can to procure it?—Thank you, my lord.

10,152. (Mr. Brodribb.) Did you ever complain to Mr. McCarthy Downing that you have suffered from retching after taking your medicine here?—Not here. I had a retching here, but it was not from taking the medicine. If I told it it must have occurred in Millbank; but it was not after taking medicine, but food, for I was after 12 days' bread and water, and I could keep no food on my stomach. It was Burke's case, perhaps.

10,153. It has been stated that you made the allegation.—No, I have not ever suffered from retching after taking medicine.

10,154. Do you ever remember Mr. Clifton at Portland calling the treason-felony convicts "fellows who were better fed than when they fed themselves," and saying that they "deserved to be punished, not only here but in another world"?—He did not say that to me. It was a prisoner named John Holigen that told me that.

10,155. (Chairman.) It is not within your knowledge?—No, my lord, it is not.

10,156. (Mr. Brodribb.) Were you ever sent to the dark cell or any other punishment for not submitting the doctor?—Yes, I was in Portland.

10,157. Was it in Portland?—In Portland.

10,158. You have been in four convict prisons. In which of those do you consider you have been most kindly treated, and in which most harshly?—Well, it is much the same in all, Mr. Brodribb. In Millbank there were no reports against me, because I saw no active efforts to get me into trouble or to put me on bread and water.

10,159. In Millbank?—In Pentonville, the first prison. It was a silent prison, and I conformed with the discipline. It was all a silent system, and I went through it. But when I went to Portland and I was punished and other prisoners, and I recollected perfectly well that every effort was made to get us into punishment. The same way when I came to Millbank, the same when I came to this prison: I found the same system go on all through. Certainly for the past twelve months I did not see any desire on the part of the officers or prison officials to punish us by what I call active punishment, putting us on bread and water. I did not see any desire to punish us that way actively. Of course the precautions that are taken as to keeping us in the dark, and not having a look at another prisoner, or hearing a word from any living thing outside our cells; if we are walking to the chapel and another prisoner is coming on he is made to turn back. We cannot get a look at any living thing outside our cells. We are kept in diabolical darkness.

10,160. Is it that that you feel to press most hardly on you?—No, Mr. Brodribb, I do not complain of it. I only state to you how things are at present.

10,161. (Chairman.) I think we have now gone seriously through these passages in your statement which required examination. There is one point remaining with regard to that letter. We shall inquire into it whenever the letter comes. I have only to ask you now, in conclusion, whether you wish to add anything to what you have placed before us, in order to show that your treatment has been exceptional or different from that of other prisoners. If you wish to add anything we shall be ready to hear it?—The whole treatment, my lord, is exceptional.

10,162. Can you give us any detail distinct from anything that you have already stated? Anything that is not included in what you have already stated?—We are not allowed outside the walls that surround the building, and other prisoners are.

10,163. Do you wish to add any other fact?—We

are kept in the punishment part of the prison, other prisoners are not.

10,164. These cells which you occupy are larger you know?—The position in the chapel is another thing, my lord. Other prisoners are not treated so. The precautions are not taken with other prisoners not to have them look at a prisoner. But these are things I do not complain of, my lord. I am only stating them.

10,165. We will take them down?—I do not complain of any officials or the acts they exercise to impose upon us punishment. As I said to Messrs. Knox and Pollock at Millbank when they asked me about exceptional treatment, I said the authorities were paying more attention to me than to others. I said that prison attendants did not tend to the comfort of the prisoner.

10,166. Are there any questions that you would wish to have put to the doctor?—Do you think, my lord, that you have gone through all the matters that would be relevant to your inquiry in the letter that I have laid before you, the memorial to the Secretary of State, and the pamphlet entitled "things not generally known," that I marked.

10,167. We have looked them over, and inquired into what we thought material.—But will you examine me on those matters at any future time?

10,168. (Dr. Lyons.) Is there anything in that (handing the prisoner a document) that you wish to point out?—As you told me the first day, my lord, that anything tending to corroborate another prisoner would be received.

10,169. (Chairman.) That another prisoner could be called to corroborate any statement you may make?—Yes, my lord. You may go to prisons abroad. Prisoner William Rossetree may lay before you the treatment that he was subjected to. He was afflicted with hemorrhoids and piles in Portland, and could not get relief. I saw him one day in Portland works, and he put his hand down his boot down the side of his trousers, and pulled up his hand dripping with blood; not spouted with blood, but actually dripping with blood, and he said he was that way for months.

10,170. (Mr. Bredrick.) Where was that?—In Portland prison.

10,171. On the works?—On the works.

10,172. (Dr. Lyons.) What was he working at at the time?—On stone.

10,173. Cutting stone?—Cutting stones; squaring them.

10,174. (Chairman.) You say you saw him yourself?—I saw him put his hand down the boot and bring up his hand one mass of blood, the blood dropping.

10,175. (Dr. Lyons.) Did you see it on more occasions than one?—Once. I saw his drawers on another occasion full of blood as we were bathing.

10,176. When you were going bathing?—As we were going bathing. Kitchin is out, my lord; but you do not take anything regarding prisoners who are out.

10,177. (Chairman.) No.—If it would not be delaying you, my lord, too long I would like to look over those books and papers I have handed in. It strikes me that there are some things in them that would be relevant to the inquiry.

10,178. We looked over the book the other day?—I can give evidence on them.

10,179. We had the pamphlet before us the other day, and considered it carefully, and we took notes of all in it that called for inquiry?—The first is about the flannels in Millbank.

10,180. That we shall make further inquiries about?—We were treated as prison breakers, and our clothes put out at night.

10,181. That is a point we shall inquire into?—And in Millbank I was twelve months with the gas lighting in my cell all night. That did not occur in other prisons.

10,182. How was that objectionable?—Because I could not sleep with it, my lord. Until I became

accustomed to it I could not sleep with the light shining on my face.

10,183. (Mr. De Vere.) You were twelve months in Millbank with the gas lighted in your cell at night?—Yes.

10,184. What sort of a cell was it?—An ordinary cell. The mode of search and stripping is here described.

10,185. (Chairman.) That is a point we will inquire into and shall have to consider?—It is not generally known that in Pentonville we had to sleep on a coil mattress.

10,186. We shall examine the bedding?—It is not generally known that we had the full benefit of the stretch of the watercloset. We had to put out our clothes and all our cell furniture, and we were made to exercise in Pentonville in a sort of iron cage.

10,187. (Mr. De Vere.) Every one of these things that you have mentioned has been marked by us for the purpose of being made the subject of inquiry?—The breaking in of the water at night in the Portland cells is another matter. I experienced that myself.

10,188. (Chairman.) That we inquired into when we were there?—There is no doubt that it was so. The building was defective at the time. We were not allowed to the watercloset during the time of meals and exercise. I am apprehensive, my lord, that contradictions will arise in Portland, as they have arisen here, regarding things that I have stated to you, and I would only be desirous of correcting you that I have been telling you the truth.

10,189. We have taken a note of anything that you have which may be a matter for inquiry. We have down many things that you have said about Portland, to which we shall be obliged to go and question the governor and the officers whose names you have mentioned to us?—There is one matter that occurred to me, my lord, in Portland. I point to it in one of those letters that I have given in, and I have not been asked about it, my lord.

10,190. What is it?—About removing a large stone one day on a barrow going up the quarry slope. I hurt my finger, and another prisoner seeing it came to take part of the barrow with me where I was in front. The officer was looking on, and said to me without any provocation whatever, "You are a man that would suck another man's blood."

10,191. (Dr. Lyons.) Who said that to you?—Quarrelling was his name, Mr. Lyons. I went to the governor the next day, and asked him if that was language that could be used towards me. The governor took the officer aside, and questioned him, and then said, "You were not sent here to be too sensitive," said he, "and nothing can make you more degraded than what you are."

10,192. Are you quite sure that that occurred?—I am quite sure that Governor Clifton said this to me; also, "I suppose you expect the officers to tip their caps to you?" Mr. Clifton said these words to me.

10,193. (Chairman.) Was there anybody by?—Yes, my lord, I think Gunning was by, and some other officer; but I do not quite recollect him.

10,194. (Dr. Greenham.) You were not in hospital in Portland?—No, I was not, sir. I can say I made a representation to the director Mr. Pagan, as to the effect of the stone and the sudden glare on my eyes, when I went to Portland first; and he made an order to have me taken in for 14 days, and I went to the hospital next day or the day after, pursuant to this order as I understood; the orders at the hospital when I went were, if they were orders, my lord. I was left at the hospital waiting until the doctors came. The doctors came and they examined my eyes, and I was sent back again to work. They said they saw nothing the matter with my eyes, and sent me back with the observation, "I will send a certificate to the governor." That was Doctor Baker. I was there, that day I think, I was put in charge of the officers inside in the prison, for sweeping, dusting, and scrubbing. I did not like the occupation. Some of the officers

J. O'Donnell
(Bene).

24 July 1876.

J. O'Donnell
(Rover).
26 July 1876.

asked me the next day, would I rather be in than out, "Well," said I, "I understood the director had ordered me to be kept in hospital or kept in, but if this is the way I would rather be out with the other prisoners." "Well," said he, "if you apply to the governor you will perhaps be let out again;" so I applied to the governor next day, and was let out to the works again.

10,196. (Dr. Lyons.) Were the clothes given to you in prison at any time objectionable in any way?—Except the stockings, I could not have any serious objection to the articles I got, except the insufficiency of them in Pontonville and in Woking, to resist the cold.

10,196. What was the matter with the stockings?—The stockings were extremely dirty, and they were sent to be washed, but then they fell into dust when you got them on. When you went, this weather, the dust becomes mud on your feet.

10,197. Do you mean that they are not properly washed?—No, certainly, they are not properly washed.

10,198. Are the flannels that you got properly washed?—Yes; I see nothing to warrant me in finding fault with the way the flannels are washed.

10,199. You do not get back your own clothing after it goes to be washed, do you?—No, sir.

10,200. It is not the case in this prison, is it, that the same clothes are given again?—Not that I know of.

10,201. (Chairman.) But they are washed before they are brought back?—Yes. We give out our clothing, and they go into the general lot, and we get others next week out of the general lot.

10,202. (Dr. Lyons.) What wonder was it that said you would suck another man's blood?—Gunning.

10,203. At Portland?—At Portland.

10,204. (Mr. Bradrick.) Is he there still?—I do not know, Mr. Bradrick, whether he is there still or not.

10,205. (Dr. Lyons.) Can you give any account with regard to Mulcahy's having spat blood while he was at the works at Portland?—I cannot, Mr. Lyons.

10,206. You did not see him on any occasion, in Portland, spitting blood?—No, I did not. In that memorial to the Secretary of State, Mr. Lyons, if you have gone over it, that there might be some matters in it that would be relevant to the inquiry.

10,207. I have been looking over it, and I asked you one matter, about the letter to your mother. Is there anything else in it that you would wish to be examined upon?—I thought there would be a lot of things in it that would be relevant to the inquiry.

10,208. (Chairman.) Are there any matters in it different from what you have already had before us, that you wish to direct the attention of the Commission to?—No answer.

10,209. (Mr. Bradrick.) The memorial was written very early in the course of your imprisonment.

10,210. (Dr. Lyons.) I now put it in your hands (handing the prisoner a document.) What do you wish to be asked in regard to matters referred to in it?—Oh, it would take some time to read it over. I

thought there were many other things that would be proper to the inquiry.

10,211. (Chairman.) The Commission will see you again to-morrow. Between this and that time you can look over the papers that you have before you, and if any points suggest themselves on a perusal of them, on which we have not already examined you, we shall be ready to hear you. If you find that there are any specific questions, anything new, upon which we have not examined you we shall hear you to-morrow. At the same time you will bear in mind that our time is limited, and that therefore we shall not be able to hear you for a very lengthened period to-morrow. If the letter from Portland arrives to-morrow morning we shall go into it and shall put to you with any questions upon it which you may wish to have put. If the letter does not come to-morrow we must only then examine your wife on the subject in London; because we cannot come here again after to-morrow, and in that case you must send to us any questions that you desire to have put to her in reference to that letter, or that you wish to put to Mr. Clifton at Portland in regard to the letter with the view of clearing up those words. You understand that?—Yes, my lord.

10,212. If you like you can also ask any questions of the doctor, though I do not see that there is any necessity. You can, however, do so if you like?—If my doubts remained on my mind, my lord, as to my telling the truth about those 10 days, and the seven days, I would like to have an opportunity of removing it.

10,213. If subsequently we think that it is in any way important for the ends of justice, you shall have an opportunity of making a further statement, and of being confronted with anybody we may think necessary. You shall have full opportunity of proving your allegations.—Officer Allison and Officer Brown have not been before you yet, my lord.

10,214. We have examined Allison and shall see him again. We have not examined Brown yet.

10,215. (Mr. Bradrick.) There are a good many points mentioned in this paper before you which we have already investigated; and, therefore, you must not assume that, though we have not asked you questions about them, we have not already fully gone into them.

10,216. (Dr. Lyons.) In order to satisfy yourself, you can go over the papers, and suggest any matter for examination to-morrow that you may think requisite; and we can then tell you whether we have considered them or not.

10,217. (Dr. Greenwood.) We are desirous of ascertaining the truth?—I made up my mind to lay myself in your hands, and to ask the request of you if I have not satisfied you fully, of giving me an opportunity of having those few things asked.

10,218. (Dr. Lyons.) As it is easier to make out the points by means of a printed than a written paper, I have my printed copy of your statement in your hands until to-morrow, for the purpose of facilitating you in your preparations for your further examination. (Hands prisoner printed statement.)—Thank you, Mr. Lyons.

The witness withdrew.

The Commission adjourned.

Chatham Prison, Wednesday, 27th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
STEPHEN E. DE VEE, Esq.DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

MR. WILLIAM P. BUTTS RECALLED.

10,219. (*Chairman*.) The Commission is desirous, Mr. Butts, of examining the visiting priest of this prison, if it be practicable?—I am afraid that it is not, my lord. I believe his life is almost despaired of, at least, I inquired at his house the day before yesterday, and his sister, who lives with him, told me there is very little hope of his recovery. He has also resigned his office.

10,220. (*Dr. Lyons*.) The day before yesterday you made the inquiry?—The day before yesterday. I asked if he could come down.

10,221. Is it possible that there is such a change in his state since we do admit of his being examined to-day?—I should think not.

10,222. (*Chairman*.) Is he attended by Dr. Briggs, do you know?—He has been.

10,223. When we see Dr. Butts we can learn his state from him, I suppose?—Yes.

10,224. Do you produce some documents?—Yes; this is a copy of the entries from the "separate cells occurrence book," the "chief warder's occurrence book," and the "governor's journal," from the 1st day of June 1868, to the 31st of August 1868, both inclusive.

10,225. (*Mr. De Vee*.) Extracts referring to O'Donovan Rossa?—Extracts referring to O'Donovan Rossa.

The witness withdrew.

JEREMIAH O'DONOVAN ROSSA, prisoner, recalled.

10,226. (*Chairman*.) O'Donovan Rossa, since the meeting of yesterday have you considered whether there is anything arising from those papers which you wish now to lay before us, in addition to the statement that you have already made?—There are a few notes that I made last evening, my lord.

10,227. Will you proceed, if you please?—To the question, my lord, about the Poindrel letter, have you got it? Because if you have not got it, I have also other notes to give you. I made a few notes last night about which I have a few suggestions to make, if you have not got the letter, and that you will examine my wife in London.

10,228. We have not got the letter yet, but we hope to have it in the course of the day. If we have it, we shall speak to you on the subject in the afternoon?—Thank you, my lord. I will ask Mr. Lyons to question me on that. (*Prisoner returns printed statement to Dr. Lyons*.)

10,229. (*Dr. Lyons*.) Yes, I did intend to ask you with regard to that passage. You state in page 5 of the printed copy of your statement, "This is an act of grace to me, because I must be two years in prison" to "entitle myself to that, and though, counting by the calendar, I am going on five years in England, "if you count by discipline I have not spent one yet." Will you explain to the Commission what you mean by that passage?—In consequence of all these reports against me, and the number of marks that I was fined, I have not yet, according to the discipline of the prison or the rules, spent one year in the prison. A prisoner has to spend one year in "probation," and I am not out of probation yet; and on this matter I must admit that the rules have been generally relaxed so far as to enable me to write letters and have visits from my wife in the prison.

10,230. (*Dr. Lyons*.) I would suggest that extracts from the same books be taken from the 1st of May to the 18th of June, inclusive, and produced to this.

10,231. (*Chairman*.) You can have similar extracts from the 1st of May to the 18th of June made?—I can.

10,232. In accordance with a request of the Commission, I believe, Mr. Butts, that you communicated, first by letter and then by telegraph, to the governor of Portland prison, with a view to the production of a certain letter to which you referred in your communications?—I did, my lord.

10,233. Have you got my reply?—I received a telegram about six o'clock yesterday evening.

10,234. Yesterday evening?—Yesterday evening.

10,235. Will you be kind enough to hand it in?—Yes. (*Hands in telegram*.)

10,236. Did you write first, or telegraph?—I wrote first.

10,237. (*Dr. Greenhow*.) Did you write on Thursday?—I wrote on Thursday.

10,238. (*Chairman*.) You have not received any letter in reply?—Not from Portland. I received a letter from Parliament Street to say that it was not there.

10,239. Of what date was that letter, or when did you receive it?—Sunday morning, I think. I am not quite sure, but I daresay it was Sunday.

The witness withdrew.

J. O'DONOVAN ROSSA, prisoner, recalled.

10,240. (*Chairman*.) So that, in point of fact, you have not been considered in probation?—My probation would last, my lord, in consequence of the number of marks attached to every report.

10,241. (*Dr. Lyons*.) Then, if the rules were strictly carried out in your regard, you would not be entitled to the right of writing and receiving letters and getting visits?—I would not until I was out of probation class.

10,242. Until you were out of probation class would any marks that you may have earned be counted in your favour towards the remission of your sentence?—Well, I do not know, Mr. Lyons. I have not studied that matter much, but I know, at least I think I know, the reason I am not yet out of probation class is, owing all these marks that I have been fined, as you see by the reports. I have to work them down. In punishing me by the marks they punish me in the future and I have to work them down.

10,243. But would any marks that may be earned by you in probation there be allowed to go towards the remission of your sentence?—I do not know, Mr. Lyons.

10,244. You are sentenced for life?—For life.

10,245. Then no amount of remission will favour you?—No; no marks and no number of years will count for me. You will see in the rules of a certain time—is '64—any prisoner who is sentenced for life is not to have any expectation of release, that it is a special case for the Secretary of State, and the marks do not count for him. I believe the term before that was 12 years, and that he might expect a remission with as much certainty as a man would expect remission who had conducted himself in prison.

10,246. Will you, from the facts that you have before you, put in a return of the number of days that

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you have been actually on bread and water during the whole period of your imprisonment, the number of days that you have been on penal diet, the number of days that you have been in dark cells, and the number of days, according to your own statement, that you have been in handcuffs?—Yes, I can do that, Mr. Lyons.

10,247. Well, I request you to do it?—To give you the answer now, is it?

10,248. I shall be prepared to ask you by-and-by; you may take an opportunity of reflecting over it; what total number of days you have been put on bread and water, what total number of days you have been on penal diet, what total number of days you have been confined in dark cells, and what total number of days you have been placed in handcuffs, during the whole period of your imprisonment.

10,249. (Mr. De Vere.) Do you think that you will be able to make that out?—I think I will, Mr. De Vere, not perhaps exactly to a day or two as to the bread and water, nor to a few weeks as to the penal diet, but I will be able to do it as accurately as a man can do it from memory.

10,250. What we shall want is the period that you actually spent, and the amount of punishment that you actually underwent?—The total extraordinary punishments?

10,251. (Chairman.) Now, O'Donovan Rosa, will you go on to state anything that you think you omitted?—In the original statement that I submitted to you, my lord, in the second paragraph of it I refer to the feeling I had that putting me in irons for 35 consecutive days was by order of the directors, because the offence having committed one day, and some 22 hours elapsing before I was put in irons, I found myself possessed with the impression that the order to put me in irons came from London. If it would be a matter of interest to you, or if you consider it of sufficient consideration to inquire into, I would like to make a charge. I would not like to make it so far as my own feeling is concerned, but for the purpose of eliciting the truth. I had intended to ask you to see the letter books of the 16th and 17th of June, and to see the letters sent from the prison and the replies received.

10,252. As to from whom the order to put you in manacles at that time emanated?—Yes, my lord, as to whether there was a communication that day to London after I committed the offence, or whether next day there was a reply.

10,253. That we will do. We will examine the letter books and ascertain it. That we can inquire into?—I intended, my lord, to have examined the prison as to my being chained behind, and as to the cuts on my hands.

10,254. We had some evidence this morning that stated it was quite impossible to examine him?—My wife saw him, my lord, and seems of opinion that he could give evidence if pressed, that is, if pressed; but if you do not consider it necessary, my lord, if there is nothing very important in it, I won't press the matter, because the cuts are on my hands. It is very little compared with the other punishments, but what I am principally solicitous about is my veracity before your lordship and the Commission. In telling you, my lord, the reply that Mr. Clifton, the governor of Portland prison, gave me one day about my trying to correct the affair about my letter to my wife through Moore's mother, he said, "It was only yesterday I saw the writing in small letters; I believe it to be a subterfuge." He added these words, which I did not give you the last day. After "subterfuge," he said, "I still believe the letter was for Moore's wife, and I told the board of directors so, and I told the Secretary of State so."

10,255. (Mr. De Vere.) Where did you find those words?—Thinking on the matter, and reading over this letter that I wrote in Portland, and by-the-by, my lord, it might be well for you to keep this if you see going to Portland to examine matters; it will

refresh the memory of any of the gentlemen who will put questions. (Hands in part of a newspaper.)

10,256. (Dr. Lyons.) Repeat again the words?—"I still believe again the letter was for Moore's wife. It was only yesterday I saw the writing in small letters, 'for Mrs. O'D.' Now I still believe that was only a subterfuge. I still believe the letter was for Moore's wife, and I told the Secretary of State so, and I told the board of directors so."

10,257. (Chairman.) What you want to supply is that in addition to what is said to have been stated by Mr. Clifton, he did use the words, "I still believe that it was so?"—What I supplemented now, my lord, is, "I still believe the letter was for Moore's wife."

10,258. (Mr. De Vere.) That he said to you, "I still believe the letter was for Moore's wife?"—Yes.

10,259. (Dr. Lyons.) With the further statement, "I told the Secretary of State so, and I told the board of directors so?"—Yes, all in my presence.

10,260. You want to add, "I still believe the letter was for Mrs. Moore," with "I told the Secretary of State so, and I told the board of directors so?"—Yes, "I still believe the letter was for Moore's wife." I did not give you this the last day. You have the rest. As to the question of treatment in the dark cell, I did not tell you anything except what is in the statement. You did not ask me about my being dashed against the wall after being stripped and taking my clothes away.

10,261. (Chairman.) Under what circumstances were you dashed against the wall?—When I was stripped of the clothes, when the officers took the clothes off and threw them out; I was stretched on the floor of the cell when all was off. The last man was at the door, and as I was getting up he turns back and dashes me against the wall.

10,262. (Mr. Bradrick.) Were you not trying to prevent the door being closed?—No, I was not.

10,263. (Chairman.) Were you lying on the floor?—I was lying on the floor, and got up.

10,264. Were you in such a position that he might think you wanted to prevent the door being closed?—No, my lord, I was getting up.

10,265. (Mr. De Vere.) Who was that officer?—The last man going out was Hilbert.

10,266. Was that the man that pushed you back?—Yes, that is the man that pushed me against the wall.

10,267. (Dr. Lyons.) Did he push you with force or violence?—With great violence dashed me against the wall. My hand was cut the next day. In examining these men here, my lord, have you learned from them any expressions that I used towards them, anything regarding my being violent, or anything that way.

10,268. (Chairman.) Yes. By one man it has been stated that in the struggle you seized Allison by the private parts?—Oh no, my lord, such a thing was never attributable to me. I never did such a thing. I caught him by the coat-tails, that way, and he told Giddings to strike me, and Giddings struck me on the head with his staff, and I let go.

10,269. You seized by part of his coat near the middle of his person?—The end of his coat, just the tail of his coat.

10,270. (Dr. Lyons.) Do you deny deliberately that you either seized him or made any attempt to seize him by the private parts?—I absolutely deny it, sir.

10,271. (Chairman.) It is fair to say that Allison did not say it himself?—I did not attempt any such thing.

10,272. Allison himself made no complaint of it to us.

10,273. (Mr. De Vere.) I do not think Rosa need trouble himself about that?—Well, my lord, had anything else been stated that would affect my character?

10,274. (Chairman.) I do not think there was anything stated there that renders it necessary to confront you with them?—Except to give an explanation myself of anything that has been stated, my lord. Dr. Greenhow, if you look at the reports made against

me for that offence, there may be something in it that I may wish to explain.

10,275. (*Dr. Greenhow.*) I think not.

10,276. (*Chairman.*) You can read it to him if you can put your hand on it.

10,277. (*Dr. Greenhow.*) What was the date?—August the 19th, I think, for assaulting three officers in the dark cell. I have not a copy of the report.

10,278. (*Dr. Ligon.*) Here are the entries in the separate cells book. I will read them over for you, to see if you have any explanation to offer. “J. O’D. Rossa,” under date August the 20th, 1868. “Reported ‘by principal warder Allison for gross insolence to Captain Hardy at 6.10 p.m.; also making use of threatening language and assaulting me at 7.30 p.m. the same date.’”—Well, have you many reports there?

10,279. Well until I read the other two reports for you. “J. O’D. Rossa. Reported by assistant warder Hibbert for assaulting and making use of threatening language about 7.45 p.m. the 19th instant.” “Further reported by assistant warder Giddings for ‘resisting and assaulting him while undergoing punishment in separate cells.’ These are the entries. What have you to say to them?—Has Mr. Giddings described the assault?”

10,280. I have read the whole of the entry?—I am charged with assaulting him, my lord.

10,281. (*Dr. Greenhow.*) “About 6.10 p.m. I ‘accompanied Captain Hardy to the prisoner ‘J. O’D. Rossa, who was in a dark cell at the time. On Captain Hardy leaving his cell he said in a most insolent manner, ‘Governor, do you ever give an extra breakfast here?’ The same day he was brought before Captain Hardy for refusing to pick his cotton. At 7.45 p.m. he received his blankets and rug; shortly afterwards assistant warder Hibbert ordered him to put out his coat, vest, and trousers, which he refused to do. I reported to Captain Hardy, who ordered to have them taken off if he refused. I ordered him to take them off, and he replied, ‘I will not.’ I gave him the option of taking them off himself or having them taken off forcibly. He placed himself in a most defiant attitude, saying, ‘None of you shall.’ I gave assistant warders Giddings and Hibbert orders to take them off. He resisted in a most violent manner. During the time he kicked me several times. He also got hold of my leg and threw me back. During the whole time his conduct was most violent, and it required the whole of our united strength to take the clothes off. At 8 p.m. he threw a broken chamber three times at assistant warder Hibbert, but it did not pass through the trap.” All this was read for you before?—No, it was not, Mr. Greenhow.

10,282. Assistant warder William Hibbert states, “About 7.35 p.m. I went to the prisoner J. O’D. Rossa’s cell and told him to put out his clothes. He said, ‘I shall not, for I have got no bed.’ At 7.45 p.m. I went to the prisoner’s cell accompanied by principal warder Allison and assistant warder Giddings. He was asked to take his clothes off several times, and if he did not it was our orders to have them taken off. He said, ‘I will strike the first man that attempts it.’ He also violently resisted and assaulted assistant warder Hibbert by throwing him against the wall and striking him, and using threatening language, saying, ‘You assassin, I will murder you.’ I also state that about 8 a.m., same date, accompanied by principal warder Allison and the night officer, I went to the prisoner’s cell with a lamp, when he threw a broken chamber at the trap three times, with the view of wounding me, but the chamber did not go through the trap. That is Hibbert’s evidence. Assistant warder Giddings says, ‘I was ordered by principal warder Allison to accompany him to J. O’D. Rossa’s cell, when principal warder Allison ordered prisoner Rossa to put out his clothes three times. He then ordered me and assistant warder Giddings to take

“his clothes off. He stood up in a most defiant manner and said, ‘The first man that touches me I will strike him.’ I caught hold of his jacket. He resisted me violently. His conduct was very violent. On my leaving the cell he said, ‘Go away, you assassin dogs.’” Then here follows a statement from principal warder Allison, statement addressed to the acting governor by principal warder Allison, dated Chatham, 18th August 1868, having no reference to this.

10,283. (*Chairman.*) Was not that evidence given in your presence?—No; all that was not read for me, my lord.

10,284. It was not given in your presence?—I was brought up before these men were examined, but that was not read for me. However, there are points in it that were brought to my knowledge before the governor, and they remain in my mind, and that is the reason I asked your lordship if such things were brought before you. As to the gross insolence to Captain Hardy, that is one thing that I wished to know what it was, and perhaps it was not right for me to speak to him what I did, but he came in the usual way to pay the usual visit. I was in a very uncomfortable position, and I said, “Governor, I suppose there is no chance of a man getting eggs for breakfast here?” and they have it down “extra breakfast.”

10,285. (*Dr. Ligon.*) What you said was eggs for breakfast?—Eggs for breakfast. That was the ridiculousness of it—eggs in a dark cell?

10,286. Why did you say that?—With the position in which I was placed it was a poor place to joke, but I do not like to be reported in those books for gross insolence.

10,287. Was that all that you said?—That is all I did say.

10,288. Are you quite sure?—Oh, quite sure. They themselves say I said no more than “extra breakfast.”

10,289. (*Chairman.*) Is there any other point upon which you now wish to speak?—Well, my lord, as to threatening to strike, I do not recollect that I made use of any such threat. Whatever I have done in prison I do not like to make myself ridiculous, to threaten to assault men who came in with certain orders.

10,290. (*Mr. Bredrick.*) It may be satisfactory to you to know that Allison struck you did not strike or attempt to strike anyone, but merely gave them a good push.

10,291. (*Dr. Ligon.*) He said that you heaved them off, one in one direction and the other in another?—That is perhaps the fairest account to give of it, but I did not draw my hand to make a blow, nor did I intend to strike them.

10,292. (*Chairman.*) We will take as the version of what occurred that which was given by Allison?—Well, about the “assassin dogs,” my lord, and throwing the pot when the door was closed at the officer?

10,293. The Commission has considered what you are now saying, and instruct me to say that we think we know exactly the nature of this occurrence. We have had Allison’s evidence, which was given very fairly, and does not represent you as using the violence that one or two others speak of; and we are satisfied that there is nothing in that transaction which calls on us, in justice to you, to go further?—Thank you, my lord.

10,294. I may say also that on other points in which your evidence has been in any way contradicted, or any different statements given, we have asked all the questions which we think necessary to have put, in fairness to you, of the other witnesses and of yourself also. We do not think therefore that fairness calls upon us to go any further in reference to these points. Instruct that to you, so as to leave it to you to consider whether you think it necessary to put them further before us. We do not think it necessary to put further questions concerning them?—No, my lord, I would not be doing justice to my feelings in

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(Rossa)

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Barre).

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going further after what you have said. As to the bathing in dirty water, my lord—

10,395. That is a point we have inquired into in this and other prisons?—It occurred to me in Millbank; not to me in any of the other prisons.

10,396. (Dr. Greenhow.) Not in the other prisons?—Not that I am aware of.

10,397. (Chairman.) We are going to Millbank, and will inquire.

10,398. (Mr. De Vere.) Will you state in what respect the water was dirty?—Other men having washed in it before me.

10,399. (Chairman.) Do you know to how many baths the same water flowed before it came to you? Was it two or three, or more?—I used not generally go to one particular bath. There were, I believe, about three or four baths in the range.

10,400. That is a point that we have not lost sight of. We have inquired into it and will inquire still further?—I submitted that to Messrs. Knox and Pollock, and they did not take it down.

10,401. (Mr. De Vere.) Did the water appear dirty to you?—Yes, while with suds on the top. They used to use soap, washing themselves in the bath.

10,402. (Dr. Lyons.) Did you see any men with soap on the skin or anything objectionable bathing in that water?—No, I did not, Mr. Lyons. You should look over the slides to see the prisoner in the next part.

10,403. (Mr. Brodribb.) Do you say that soap was visible at the time?—Oh yes.

10,404. (Chairman.) We have seen that.

10,405. (Dr. Greenhow.) We saw this identical bath.

10,406. (Chairman.) We shall see them again.

10,407. (Mr. De Vere.) That matter I may say to you has been fully seen into?—Thank you, Mr. De Vere. Here you, my lord, asked a question as to what I submitted to you in the statement as to the officers looking at me bathing?

10,408. (Chairman.) We have examined and shall ask further questions. There is great discrepancy as to how they stood?—While I was in the bath, my lord, the officer stood at the door, and he kept his eyes on me, looking at me. In this prison one officer—

10,409. In this prison?—In this prison, my lord, but it was while I was under punishment. Perhaps it was a necessary observance.

10,410. At any rate you state the fact?—Yes, my lord.

10,411. (Dr. Lyons.) What do you object to in it?—I only just state it, that it was a matter which was pointed to me.

10,412. It is the indelicacy of the act that you complain of?—The indelicacy of the act.

10,413. (Chairman.) At the time at which it occurred you say that you were under punishment?—Yes, my lord, for months.

10,414. (Mr. De Vere.) Was that the case whenever you had to bathe, even though you were not under punishment?—Well, I think not; I think it was the case here for some months, and the officers that I recollect particularly connected with the matter were Cranston and Brown. In the first paragraph, my lord, of page 6 of my statement I speak of being misrepresented by reports. I could not get my words taken down accurately. The reports were often incorrect, my lord, and my answers were taken down in such a way as to suit the reports, and not at all with any regard to what I actually said. To give you an instance of this, my lord, I may allude to one circumstance that I brought before you, about the governor taking down my words in such a way as to make me saying I would not be insulting any more, which would imply that I admitted being insulting before. I would ask you to refer to that report.

10,415. What date was it; you do not give the date here?—It was dated March the 12th, 1867, my lord. The report against me of March the 12th, 68.

10,416. (Dr. Lyons.) Was it in the time of Captain

Powell?—In the time of Captain Powell, yes, Mr. Lyons. I told the governor that I was charged with insolence to the officer, but that I came to the prison with the determination not to be insolent to anyone, and that I intended to remain so; but he put down as my answer what was quite different, and made me appear to say I would not be insolent again. They used to keep spurring me, and talking to me about doing more work. This day I thought I was doing as much work as any other prisoners.

10,417. (Dr. Greenhow.) What is stated here, "Prisoner wishes to know if he did not do as much work as other prisoners. Assistant-warden Hayes stated he worked fairly in the morning, but in the afternoon fell off very much, and made the reply given in the report. Prisoner states that he had no intention whatever of being impertinent, nor has he any intention of being so in future." That is the whole.

10,418. (Chairman.) That agrees with what you say.

10,419. (Dr. Greenhow.) Your account is that you said you were not impertinent, and that you had no intention in future of being impertinent?—My impression was that he wrote that I said something which was an admission that I was impertinent. What I said, Dr. Greenhow, was, that I came to prison with the intention to be insolent to no one, and that I would remain in prison with that disposition.

10,420. (Chairman.) Having had the opportunity of giving that explanation, I think you need not follow it up?—I do not want to follow it up, my lord, but merely wished to refer to it. The report of May the 17th, 1867, in Millbank, "wetting his coat before picking it."

10,421. (Dr. Lyons.) Where is that in this statement of yours?—I do not allude to it. I only find it in the reports. It was one of the matters that I did not allude to in making the report to you. There are matters that I did not allude to in making that report.

10,422. (Dr. Greenhow.) The only notice here is, "wetting his coat before picking it," and the only entry as punishment is "admonished"?—Well, my lord, but the officers told me to wet the coat.

10,423. (Dr. Lyons.) They told you to wet it?—Yes, to wet it, that it would allow the dirt that was rising from it, and make it easier to be picked; and Brown admitted that he told me to wet it. Two others denied that told, Cooper and another. The very officer that told me to wet the coat, my lord, reported me for wetting it.

10,424. (Chairman.) Brown told you?—Brown did, my lord. The officer this time who reported me for wetting it was Pucival. I brought the matter before the director to show how reports were got up against me, and how anxious they were to get up reports against me. He examined the three officers, and Brown admitted telling me. The coat this time was very small and hard to pick.

10,425. (Dr. Lyons.) Was it usual to wet the coat?—I used always to wet it generally.

10,426. Used other prisoners to wet it?—I do not know, but I was told that a man named Murphy used to put it in his bucket and pick the whole of it.

10,427. (Dr. Greenhow.) Who was the governor?—Mr. Morris, I think. I brought the matter before the director to show how reports were got up against me, and that there was some secret mode of getting up reports against me. That was before Messrs. Knox and Pollock's inquiry.

10,428. (Dr. Greenhow.) You saw the director on the subject yourself?—Yes, Captain Gambier, and he examined three officers.

10,429. That was in '67?—In May '67.

10,430. (Chairman.) I do not think you need trouble yourself further about it?—I do not want to delay you about it, my lord, but the matter occurred to me last night. Dr. Greenhow, you asked me yesterday about the expression, "Let them beg and starve us legally." I saw the extract. It is "Let

"them dog and shrove us legally, but let them keep their hands off us. We have a right to clothes to cover our nakedness, and why seek a pretext then to assault." You asked me what I meant by that, and I told you; but about "legally," I consider I have a right to the clothes that cover my body, and where there are so many incitements here to be angry that I wished them to keep their hands off; that if they gave me no hat at night they could leave me my clothes. Several things have occurred about stripping me that I do not consider necessary; however, those who have arranged the convict system consider them necessary. I think, however, that they might leave the prisoner his body clothes, unless they think it necessary to treat him illegally; so tramping on me or jumping on me, as they did that night, I do not consider legal. And I would also wish to observe, my lord, that on one occasion, before Captain Genshler, I was charged with assaulting the officers. A charge is made here of assaulting Alison, Hibbert, and Giddings, and that I think ridiculous after the way they treated me. I showed Captain Genshler my neck. I was slaving at the time, and I showed Captain Genshler my neck with the skin off. I said, "Captain Genshler, I have the signs of the assault, but can they show any signs?" "Oh," said he, "that is only to be expected when you resist officers."

10,331. (*Dr. Lyons*.) Did Captain Genshler look at your neck? Do you know the adjudication room is Millback?—He was as far from me as the chimney-piece here. I held up my neck, and said, "Look at my neck, Captain Genshler; I have signs of the assault." He did not rise from his chair to examine my neck, but he said, "That is only to be expected when you resist officers." Well, the next subject, my lord, I merely wish, my lord, to allude to those things merely, but not to delay you any more than is necessary. I did not wish any inquiry into the matter. I just merely alluded to them. I was asked, my lord, if, in Pontonville, I had asked the doctor for fannels before I got the attack of dysentery, and I could not answer the question decisively at the time.

10,332. (*Chairman*.) Yes?—Well, now, from my memorial to the Secretary of State, my lord, I am able to state that I did ask; because it is stated here. My memorial being written immediately after, I can rely on it.

10,333. It refreshes your memory?—Yes, knowing my own intention, my lord, never to state anything but what is true.

10,334. You did ask the doctor in Pontonville?—Yes, when I came to the prison, my lord; immediately after my arrival there. When I saw the doctor there, I asked him would he be pleased to allow me fannels. He would not.

10,335. Can you not fix the day?—This states immediately after my arrival in Pontonville, my lord.

10,336. (*Mr. De Vere*.) You asked the doctor for fannels?—Yes, I asked him would he be pleased to allow me fannels; he would not.

10,337. (*Mr. Bradick*.) You are not speaking of Dr. Gover?—No, not Dr. Gover, but the Pontonville doctor.

10,338. (*Dr. Lyons*.) Was it Dr. Bradly?—I do not know his name, Mr. Lyons. He was a man about your size, a man about 6 feet 10.

10,339. (*Mr. De Vere*.) How soon was that after your arrival there?—I think no more than a few days; when I saw the doctor. The report of August the 6th, '48, in Portland, for making down my hammock, I got a day's bread and water. That was on the occasion when I was confined in the dark side of the hall, and could not read it was so dark. On a Sunday evening I let down my hammock and stretched on it, leaving the doctee up on the shed, and I was reported for doing that; and so to speaking in Portland, the first report against me, in Portland, is for speaking in my cell to another prisoner. On that occasion I was before the governor, and I asked him could we speak at all. "Yes," said he, "but you must speak so loud" that the officer will hear you, but you may be

"planning anything;" and afterwards he told us, *J. O'Donovan (New).* that we should not speak at all.

10,340. Are you positive that you got that answer?—Oh positive, Mr. Lyons. "You must speak so loud," said he, "that the officer will hear you, but you may be planning anything."

10,341. (*Mr. De Vere*.) When were you to speak in this manner?—On the works, Mr. De Vere.

10,342. (*Dr. Greenhow*.) What date does that refer to?—The first report against me in Portland. On that day he made use of those words to me.

10,343. What day was it?—Talking in my cell, May the 31st.

10,344. But that was not for talking on the works?—No, it was for talking in my cell; but I asked the governor could we speak at all or anywhere, and he said, "Yes, on the works, you can speak when at work; but you must speak so loud that the officer will hear you, lest you should be planning anything."

10,345. (*Mr. De Vere*.) When was the order given that you were not to speak on the works?—Shortly after, Mr. De Vere; perhaps not more than a fortnight, but I could not say exactly.

10,346. When that fresh order was issued, was the change of system communicated to the prisoners?—Oh yes, we were told that we could not speak on the works.

10,347. (*Dr. Greenhow*.) Did you speak after being told not to do so?—Yes, I did, Mr. Greenhow. I did not like to bring this matter before you as any complaint, but just to show the animosity of the officers towards us in Portland, and that you might take it into your consideration with the punishments that are recorded, and it is that one day—I see it referred to in "Things not generally known"—that when the bell rang of a rainy day to get us to the shelter of a shed, I recollect the bell ringing one day when it was raining, and the sound of the bell was taken by the prisoners as an intimation to go to shelter, and immediately when they heard the bell they left their work and approached the shed; so the officer ordered them back again, and kept them there from five to ten minutes working during heavy rain; then he gave the order to go under the shed, just for obedience and discipline to exercise it. The bell rang for all the prisoners to go to the shed, and the prisoners took the bell instead of waiting for the officer's order to go under the shed from the rain.

10,348. (*Chairman*.) What was the practice before that day?—Well, I do not recollect, my lord, what the practice was before that, or whether the officer might give the order simultaneously with the sound of the bell. I only recollect the remarkable thing of doing this and getting a wetting.

10,349. (*Mr. Bradick*.) Was it your party that were so kept out in the wet, or do you speak of the prisoners generally?—My party, for we were out of view of the other parties.

10,350. (*Dr. Greenhow*.) You do not know where the others kept out in the same manner?—No.

10,351. (*Mr. Bradick*.) Was that when you were working with English prisoners, or with treason-felony convicts?—With treason-felony convicts.

10,352. (*Mr. De Vere*.) Who was the officer?—The officer this time, I think, was Russell. I do not know that I have stated to you, my lord, that I believe that in Portland I considered there was a set made on myself, that whenever anyone was to be reported the officers were particular in selecting me. But whoever wrote this pamphlet alludes to the matter. I will read a few lines of it with your permission.

10,353. Any extracts as to facts we are ready to hear, but do not mind reading for us any declaration of opinion?—Well, I will not mind the matter, my lord. About Mr. Alison—if he has denied about the cross being behind every day of those 35 or 37 days, I have made a note here to ask him, my lord, if he admits that they were behind three days or so, or some part of this time, and that they were tied in front after that, he must have got orders from some superior officer to tie them in front. I also would ask if he

J. O'Donovan (Prisoner.) has stated so, where is that order to be found in the book.

10,354. (*Mr. Brodick.*) We did pass him on that point.

10,355. (*Mr. De Vere.*) That has been fully gone into.

10,356. (*Chairman.*) We have fully gone into it?—Thank you, my lord. And also, my lord, the officers that were on occasional duty on the five Sundays of those 35 days; some of those strange officers who were not generally on duty in the separate cells might have examined me an hour each of those Sundays, and might have seen the iron behind my back. The separate cells book would tell you those officers were. And if I am not contradicted by those officers, it may be well to—

10,357. (*Chairman.*) Was not Linan one of those officers? He says he exercised you after chapel on two Sundays; and that when he was so exercising you, you had no handcuffs on?—And have you found out the date, my lord?

10,358. He says on two Sundays. He does not name them, but he says they were during that period of 35 days?—It might be, my lord, after the 38 days' bread and water, when I was not in chains, when I was on penal class diet.

10,359. (*Dr. Lyons.*) During the time that you were 35 days in handcuffs, were you taken to mass on any of the Sundays?—No, sir.

10,360. During the subsequent time that you spent on bread and water diet, were you taken to mass?—No, sir.

10,361. Were you taken to mass during any part of the time that you were in penal class?—No, sir. I was not taken to the chapel.

10,362. (*Dr. Greenham.*) Did you consider that a hardship?—Well, I did not, Dr. Greenham. I do not give you that answer in the view of being disrespectful to religious matters or things I do not want to get into. Has the doctor been asked if he ever saw me violent, or insolent, or disrespectful?

10,363. (*Chairman.*) The doctor of this prison?—Yes, Dr. Burns, my lord.

10,364. We are going to examine him presently, and if you have any questions to put to him you can put them through me?—Well, I will reserve that matter, my lord. I recollect, my lord, that on the report of Knell, I recollect asking what did he mean by my making noise in the cell, and his answer was that I was walking up and down my cell.

10,365. That was in March 1868?—March the 12th, 1868, my lord.

10,366. It is right that I should tell you that Linan not only said, as I told you just now, that he could not give any dates for those Sundays, but that he could not even tell when those Sundays were?—But the officers, Nation and Giddings, and Dobson and Herbert, and the others, whose names I gave you—they tied my hands behind.

10,367. I think you had better leave that to us. We tell you that it is thoroughly gone into?—Well, my lord, I won't delay you any longer. Would the Commissioners be pleased to read for me a copy of my applications to the governors at Portland and Millbank after my reception there, for I have not got

those papers. I do not desire it immediately, as perhaps Dr. Burns is waiting.

10,368. We will ascertain whether we have them?—I read some of those papers for you, my lord, the first day I was before you, about evidence given here at the inquiry made by Captain Stimpford. I do not know was the reporter able to take it down or not.

10,369. You understand that the contents of newspapers it may not be desirable to take in as evidence. We are anxious to inquire into facts, but with the contents of unknown individuals we have no concern?—No, my lord, it is read by Mr. Bruce; the investigation conducted here in Chatham Prison. I read it for you the first day.

10,370. We are inquiring now for ourselves into the facts.

10,371. (*Dr. Lyons.*) You handed in yesterday a copy of a letter from Mr. McCarthy Downing to Mr. Bruce?—Yes.

10,372. I see it stated in that letter that "is the most distinct and prompt manner you replied that you had not been obliged to lap up your food, because though manacled you were able to use a spoon." Does that statement refer solely to this prison?—To this prison.

10,373. It does not contradict in any way what you refer to in your account of what took place in Millbank?—Not in any way, and my impression is that I spoke of Millbank after that that Mr. McCarthy Downing says I denied, and Captain Engham says I spoke of lapping my food in the manner described. There is a difference between the two gentlemen in the evidence they gave the Secretary of State. I think I stated distinctly to Mr. McCarthy Downing that the 35 days here I was not under that necessity.

10,374. Then what you stated there refers to what occurred in Chatham and not Millbank?—Yes, Mr. Lyons.

10,375. And it is not to be taken as contradicting what you have stated about Millbank?—No.

10,376. Mr. McCarthy Downing commenced on the fact that on his visit to you in March you did not mention anything to him about your being manacled?—I think not. The object in sending for Mr. McCarthy Downing was to see if he would clear the way for my sending letters to my wife. I ascertained he was returned as a member of Parliament, and I knew he would put himself to some inconvenience to serve me if it was in his power to do so; and my object was to get those letters sent to my wife. I did not desire to go into my treatment at all.

10,377. You did not bring your treatment in reference to the manacled before him then?—No, I did not.

10,378. Why did you not bring it before him?—Because it was on another matter that I wanted to see him. I believe there was some restriction about my treatment, and he introduced about my release: would I go to America, or leave the country?

10,379. Then, in point of fact, you were dealing with other matters?—Yes, other matters.

10,380. (*Chairman.*) There are some questions which you wish to put to the doctor, I believe?—Yes, my lord.

10,381. Then you can remain here.

Dr. Burns.

Dr. Burns recalled.

10,382. (*Chairman.*) What questions do you wish to put to Dr. Burns?—(*Prisoner.*) I do not desire, my lord, to go into the question about the iron, if you have examined about it.

10,383. I do not think it necessary that you should?—(*Prisoner.*) Very well, my lord. Well, my lord, a question; would you ask Dr. Burns, my lord, if he ever saw me violently or insolently disposed towards him or any other person.

10,384. Have you ever, Dr. Burns, had occasion to complain of the conduct of O'Donovan Rossa towards you as being insolent, or in any way unbecoming?—

(*Dr. Burns.*) No, my lord, never. (*Prisoner.*) My lord, the circumstances that occurred between me and Dr. Burns I will speak of, to know if he recollects it. Dr. Burns visited me one day in the dark cell. It was one of those days that I did not salute the governor. Dr. Burns came in, and I said, "Dr. Burns, if I don't pay you those salutes I wish to tell you that I do not refuse through any feeling of want of respect towards you; I do it simply because I don't desire to pay salutes to authorities that starve me." I wish to ask him that, and if he did not reply, "I do not want any salutes from you."

10,385. Do you recollect that such a conversation took place?—(*Dr. Burns.*) I cannot recollect the precise day, but I reported the treason-felony prisoners one morning on my visit for not saluting me. I thought it my duty to do so, because the officer called their attention to salute.

10,386. Did O'Donovan Rossa say that to you which you have just heard him mention?—(*Dr. Burns.*) I think he did, my lord. I think I remember such a circumstance.

10,387. Do you recollect your reply?—(*Dr. Burns.*) It would probably be to the effect that I cared little about it; that it was the service that was to be respected.

10,388. That is tantamount to what he said?—(*Dr. Burns.*) Yes, (*Prisoner.*) I recollect the morning Dr. Burns speaks of. What he speaks of occurred out in the yard. (*Dr. Burns.*) It did. (*Prisoner.*) What I speak of occurred about a year before that in the dark cell. Would you ask Dr. Burns, my lord, a question about the reports he received as to the quantity of food I have been getting out.

10,389. Did you receive from time to time a report as to the quantity of food refused by O'Donovan Rossa?—(*Dr. Burns.*) I did, my lord. I have given you the whole of those returns.

10,390. You have given us that statement?—Yes, my lord; I have given it to you.

10,391. We have on paper the quantity of food returned by you?—(*Prisoner.*) Well, that is all the questions I will put, my lord.

10,392. Did O'Donovan Rossa at any time complain to you that he was suffering from pain?—(*Dr. Burns.*) Yes, my lord; he has complained frequently of pain in the left shoulder.

10,393. What steps did you take in consequence of such complaints?—(*Dr. Burns.*) I have examined it minutely on two or three occasions, and drawn my own conclusions as to the cause.

10,394. You gave him a liniment or something of that sort?—(*Dr. Burns.*) He has had liniment rubbed. (*Prisoner.*) I do not recollect, my lord, that I mentioned or made any complaints of pain between the shoulders or shoulders. (*Dr. Burns.*) It was the left shoulder, in the exact centre of the bladebone. (*Prisoner.*) Where I felt the pain was just in the snail of the back.

10,395. There is no other question which you wish to be put?—(*Prisoner.*) No, my lord.

10,396. (*Dr. Lyons.*) I find that on the 19th of June 1870, you are reported as returning four ounces of meat. Do you remember anything about that?—(*Prisoner.*) The 19th of June 1870; that was a Sunday. I think the meat was fat, and that I could not—that I had no desire to eat it.

10,397. (*Mr. De Vere.*) Last month?—(*Prisoner.*) I think it was a Sunday I put out my meat.

10,398. (*Dr. Lyons.*) Did you get any meat in place of it?—(*Prisoner.*) No, I did not. I suppose you have a record of my putting out the bread. I did not eat my bread in the marshes for the past two or three months. I think I put bread out every morning for the past two or three months. (*Dr. Burns.*) Eleven ounces to-day.

10,399. There is a record here of various quantities of bread, from one pound three ounces down to nine ounces, as being put out at various intervals?—(*Prisoner.*) Every day I put it out. There is no day during the past two months that I have not put out my breakfast, for I could not use it.

10,400. Have you thought it necessary, Dr. Burns, to recommend any change in his diet?—(*Dr. Burns.*) I have not, my lord; for he has told me repeatedly that he had not appetite enough to use it. I think that the case, for he has more bread than the men on still labour on the public works. (*Prisoner.*) The same amount, isn't it, doctor? (*Dr. Burns.*) No, it is more.

10,401. (*Chairman.*) Dr. Burns, between the 16th of June and the 21st of July 1868, you saw

O'Donovan Rossa no doubt frequently?—(*Dr. Burns.*) I did, my lord.

10,402. Did you see him at the time he was handcuffed?—(*Dr. Burns.*) I did, my lord.

10,403. How often did you see him, do you think, with the handcuffs on?—(*Dr. Burns.*) I should think it was about a month.

10,404. You saw him at different times during that month?—I did; every day for about a month.

10,405. And during the whole of that month had he handcuffs on when you saw him?—(*Dr. Burns.*) He had, my lord.

10,406. For how much of the period had he the handcuffs behind him, within your observation?—(*Dr. Burns.*) I will answer positively for three days.

10,407. You will answer positively three days?—(*Dr. Burns.*) Three days behind.

10,408. In what part of the month were those three days?—(*Dr. Burns.*) The first three days.

10,409. Were they consecutive?—(*Dr. Burns.*) They were consecutive; three days.

10,410. You say you will answer positively for three days. What answer do you give as to the rest of the month?—(*Dr. Burns.*) As to the rest, he was handcuffed before. He was handcuffed positively behind the last three days.

10,411. Do you speak as positively with regard to the latter part of the month as you do to the three days?—(*Dr. Burns.*) I will not speak positively to his being before or behind, but I speak positively to his being handcuffed.

10,412. If possible I wish you to direct your attention to the way the hands were handcuffed after those three days when you saw him. Were they before or behind?—(*Dr. Burns.*) I cannot positively assert that they were ever behind after the first three days.

10,413. Can you positively assert that they were not behind him after the first three days?—(*Dr. Burns.*) I can positively assert that they were before him on other days. (*Prisoner.*) Ask him, my lord, was it not by the door of the cell he saw me?

10,414. What time in the day did you generally visit him?—(*Dr. Burns.*) About 10 o'clock.

10,415. He would be then in his cell?—(*Dr. Burns.*) He was in his cell, behind the grated door.

10,416. That was not meal hour?—(*Dr. Burns.*) It was not meal hour, (*Prisoner.*) Will he state positively, my lord, that he ever visited me any of those 35 days before 11 o'clock, and saw the handcuffs in front of me?

10,417. Are you positive that on any of those days you visited him before 11 o'clock, and saw the handcuffs in front?—(*Dr. Burns.*) I am. (*Prisoner.*) Would he tell the distance, my lord?

10,418. How near you was he when you saw the hands handcuffed in front?—(*Dr. Burns.*) Within three feet of me.

10,419. Did he advance towards you?—(*Dr. Burns.*) He advanced towards the grating.

10,420. Did you speak to him?—(*Dr. Burns.*) I did. I generally speaking, say something or other.

10,421. You say that you saw him every day?—(*Dr. Burns.*) I saw him every day. (*Prisoner.*) Is it not customary in the ward, my lord, to have an officer come round in the morning and ask the prisoners what he wants to see the doctor?

10,422. Is it customary in the ward that the doctor goes only to those cases where the officer previously ascertains that the prisoner wishes to see the doctor?—(*Dr. Burns.*) That is the case with all prisoners, my lord, who are under punishment. Every prisoner is asked if he wishes to see me in the morning, wall or ill. Those in good health have the opportunity of seeing me if they think fit. Those who are ill have their names taken down to see me. (*Prisoner.*) If I told the officer that I did not wish to see the doctor that day, when he came round would he come to me?

10,423. How is that? Should you go to see him in such a case?—(*Dr. Burns.*) I should if he were under special punishment.

Dr. Burns.
27 July 1870.

Dr. Burns,
—
27 July 1879.

10,424. But supposing he was under report?—*(Dr. Burns.)* Under report only, I should not. *(Prisoner.)* Might it occur that during those 35 days I did not wish to see the doctor, and the doctor did not come?

10,425. Are you positive that you saw him every morning?—*(Dr. Burns.)* I am positive I saw him every morning while he had the handcuffs on, or any one under restraint. I make it a point to do so. Even if they are in the dark cells I take them out.

10,426. *(Mr. Brodick.)* It would never happen that you saw him more than once a day?—*(Dr. Burns.)* Oh, certainly; if he sent for me.

10,427. But in the ordinary course of things it would not happen?—*(Dr. Burns.)* Not in the ordinary course of things.

10,428. Do you believe that you ever said you saw him six or seven times with the hands handcuffed behind his back?—*(Dr. Burns.)* No. I never saw him.

10,429. You do not recollect having ever said that?—*(Dr. Burns.)* No, I do not.

10,430. *(Dr. Lynam.)* Will you, Dr. Burns, undertake to state positively that you did not state to anyone, on any occasion, that you saw O'Donovan Rossa with the hands handcuffed behind his back seven times?—*(Dr. Burns.)* I am positive that I never did, because I know that I have not seen him seven times running and not to take notice of it.

10,431. I ask you again, are you positive that you did not state to anyone, on any former occasion, that you saw O'Donovan Rossa seven times with his hands manacled behind his back?—*(Dr. Burns.)* I am.

10,432. Do you now assert that you never made that statement?—*(Dr. Burns.)* I never made any such statement to anyone.

10,433. I asked you before, when you visited O'Donovan Rossa, whether it was any part of your duty to observe the position in which his hands were manacled?—*(Dr. Burns.)* It was no part of my duty but my attention would have been called to it.

10,434. Then your impression is rather the result of casual observation than of observation made for the express purpose of recording it in your memory?—*(Dr. Burns.)* It is more casual observation.

10,435. Might you be mistaken in that casual observation which you then made?—*(Dr. Burns.)* I am not mistaken in the first three days, for my attention was called to the prisoner whenever he was so placed.

10,436. Why was your attention called to him for three days more than for four days?—*(Dr. Burns.)* Because he was waiting the result of a communication to the directors.

10,437. What communication with the directors?—*(Dr. Burns.)* The governor communicates; the directors' report is communicated immediately, and the result awaited.

10,438. But the directors' communication was not made until long subsequently?—*(Dr. Burns.)* I know nothing of that.

10,439. I want to know why you remember three days, and do not remember the fourth day?—*(Dr. Burns.)* Because my attention was first called to Rossa being there for an insult received by the governor himself.

10,440. That refers to the first day?—Yes, the next day I found him in the same position, and the next day again, awaiting the directors' order.

10,441. You state that you observed on the third day that he was manacled with his hands behind his back?—*(Dr. Burns.)* I think he was. To the best of my knowledge I think.

10,442. On the fourth day how did you observe him?—*(Dr. Burns.)* I would not answer for any longer.

10,443. I want to know whether you can recall with certainty the position in which you observed the hands on the fourth day?—*(Dr. Burns.)* I cannot.

They may have been behind, or before. I cannot answer positively.

10,444. On the fifth day can you answer whether they were before or behind?—*(Dr. Burns.)* I cannot answer beyond the first three days.

10,445. Then it is possible that you may not recollect accurately what position the hands were in on the fourth, fifth, sixth, and subsequent days?—*(Dr. Burns.)* It is quite possible.

10,446. O'Donovan Rossa, in what position were your hands manacled on the fourth day?—*(Prisoner.)* This way. *(Puts his hands together behind his back.)*

10,447. Repeat it in words so that the shorthand writer may take it down?—*(Prisoner.)* Behind my back, but if the doctor came at dinner time my hands would be in front.

10,448. On the fifth day in what position were you manacled?—*(Prisoner.)* My hands behind my back.

10,449. Do you positively assert that?—*(Prisoner.)* Positively, every day for 85 days.

10,450. On the sixth day how were the hands placed?—*(Prisoner.)* Behind my back.

10,451. On the seventh and subsequent days?—*(Prisoner.)* Behind my back.

10,452. On all the days how were the hands manacled?—*(Prisoner.)* Behind my back on all the days.

10,453. Now, Dr. Burns, having heard that statement, so positively made, will you undertake to say that on the fourth, fifth, sixth, seventh, and subsequent days his hands were manacled in front instead of behind?—*(Dr. Burns.)* I am perfectly certain I cannot state any particular day, but for days I have seen his hands handcuffed in front. I am positive of that.

10,454. At what hour?—*(Dr. Burns.)* That I cannot decide.

10,455. I ask you again, whether on the fourth, fifth, sixth, seventh, and subsequent days you can now rely sufficiently on your memory to state that you saw at the hour of your visit each morning—at 10 o'clock, which is the hour you state for your visits—O'Donovan Rossa's hands manacled in front?—*(Dr. Burns.)* I cannot state any further than I have done. My attention has never been directed particularly to that point.

10,456. Do you think it likely that you were mistaken?—*(Dr. Burns.)* I know from my own memory, positively, the first three days, and I know so certainly that for several days subsequent to that I saw him handcuffed in front, but I cannot state the time.

10,457. He admitted that during meals the hands were in front. Is it possible that the occasions you refer to may have been occasions when his hands were so removed from back to front for the purpose of enabling him to take his meals?—*(Dr. Burns.)* It possibly might. I may have called at 12 o'clock.

10,458. *(Dr. Greenhow.)* Do you enter in your journal your visits to the prison?—*(Dr. Burns.)* I do.

10,459-60. Do you enter in your journal the visits that you make to the prisoners under punishment?—*(Dr. Burns.)* No, I do not. I make it a rule to go round as soon as I am able to get clear.

10,470. *(Chairman.)* I hold in my hand a letter purporting to have been addressed by Mr. McCarthy Downing, Member of Parliament for Cork, to Mr. Bruce, the Home Secretary, and published in the "Irishman." I think, or some other Irish newspaper, in which this passage occurs: Mr. McCarthy Downing says that he saw you here, and that he asked you "How often did you see him?" that is, O'Donovan Rossa, "manacled with his hands behind his back?" He," that is you, "replied 'probably six or seven times, or more, but I certainly think he was not so manacled for 85 days.'" I think we cannot go any further now. I understand you to speak positively as to three days, and that you do not speak with equal certainty, one way or the other, with regard to the rest of the period?—*(Dr. Burns.)* I speak positively to his being manacled behind the first three days but not beyond the first three days.

Dr. Burns.
27 July 1876.

10,471. (*Dr. Greenhow.*) Have you any means of ascertaining the hours at which you visited O'Donovan Rossa those days?—(*Dr. Burns.*) I have not. I take my routine of duty. I am engaged, perhaps, one time more than another. When I finish one part I go to the next. Sometimes I have been detained so long as 12 o'clock before I have seen the Fenian prisoners.

10,472. You have sometimes not seen the Fenian prisoners before 12 o'clock?—(*Dr. Burns.*) I have.

10,473. How often that often occurred?—(*Dr. Burns.*) Not often.

10,474. What is your usual time for going round?—(*Dr. Burns.*) 10 o'clock. You know in a medical man's duties it may be decided.

10,475. What time do you come here in the mornings?—(*Dr. Burns.*) 10 o'clock.

10,476. What do you first do?—(*Dr. Burns.*) I first see the women and children.

10,477. You first see the women and children?—(*Dr. Burns.*) I do.

10,478. At 10 o'clock?—(*Dr. Burns.*) 10 o'clock.

10,479. How long does that occupy you?—(*Dr. Burns.*) Sometimes a quarter of an hour; sometimes half an hour.

10,480. What do you do after that?—(*Dr. Burns.*) Then I go over the prisoners who come in from labour, or from detention; men who have been brought in in doubt whether they are to go to the hospital or not.

10,481. How long do they occupy you?—(*Dr. Burns.*) Sometimes I have a great number, but usually it occupies a quarter of an hour.

10,482. What is your next duty after that?—(*Dr. Burns.*) Then I go to see the papers; look over the papers and the accounts of letters.

10,483. How long does that occupy you?—(*Dr. Burns.*) It varies a little; a quarter of an hour.

10,484. What do you do after that?—(*Dr. Burns.*) Then I go over the penal cells.

10,485. When do you go to the infirmary?—(*Dr. Burns.*) The infirmary is visited by the assistant-surgeon in his turn. I am leaving the infirmary alone, supposing I am going through.

10,486. I want to get clearly your routine for the day. You have told me that the first thing you do at 10 o'clock is to see the women and children; that the next is to see men who have come in from the works, to see men they fit to go to work; that the third thing is you examine your letters. Do you do those three things every day?—(*Dr. Burns.*) No. On Tuesdays and Fridays, instead of going the penal class on either side, I leave it to the assistant-surgeon.

10,487. We have not come to the penal class yet. Every day you see the women and children?—(*Dr. Burns.*) Every day.

10,488. And every day do you see the prisoners who come in?—(*Dr. Burns.*) No, Tuesdays and Fridays; from then I proceed to the hospital, and I see those who come in from labour.

10,489. How long do you spend in the infirmary on Tuesdays and Fridays, on an average?—(*Dr. Burns.*) Every day about 2 o'clock.

10,490. I want to know how you spend your morning?—(*Dr. Burns.*) If you take one day I can tell you.

10,491. Well, take Monday; what do you do on Monday?—(*Dr. Burns.*) On Monday I go to the women and children, then the infirmary, and after the infirmary I inspect the papers.

10,492. Wait a while. How long are you engaged in the infirmary?—(*Dr. Burns.*) Half an hour, I think.

10,493. How many patients have you in the infirmary?—(*Dr. Burns.*) Those are not patients that I see then. Those are men who have come in from labour.

10,494. Very well; go on?—(*Dr. Burns.*) Then I go from there, after looking over the papers and things, to the separate and penal cells.

10,495. We are talking of Monday?—(*Dr. Burns.*) I start from there to the punishment cells. They are the first cells on either side.

10,496. Are those the cells in which the Fenian prisoners are?—(*Dr. Burns.*) They are not; they are in the penal cells beyond those. Then from the punishment cells to the penal cells.

10,497. Let us know how long you spend on Monday with the women and children, the prisoners who come in from the works, looking at the papers, and seeing the prisoners in the punishment cells?—(*Dr. Burns.*) It takes me till about half-past 11 o'clock.

10,498. It takes you till half-past 11 on Monday?—(*Dr. Burns.*) It does.

10,499. Then after that do you go to the Fenian prisoners?—(*Dr. Burns.*) I go from the punishment cells to the penal cells.

10,500. Do the punishment cells take you to half-past 11?—(*Dr. Burns.*) I think 11.

10,501. At what hour is dinner served for the prisoners?—(*Dr. Burns.*) 12 o'clock.

10,502. Well, take Tuesday?—(*Dr. Burns.*) I come in after seeing the women and children. Then I get as soon as I can through the papers, and leave some to be done afterwards, and start off the rounds of the infirmary. I go the rounds of the infirmary, leaving the cells—punishment cells and separate cells—for the assistant-surgeon.

10,503. How long does that occupy you on Tuesday?—(*Dr. Burns.*) About the same time. I have equally divided the duty so as to bring it down to about half-past 11 to a quarter to 12 o'clock.

10,504. On Tuesdays do you visit the Fenian prisoners?—(*Dr. Burns.*) I think at that time I visited them every day, leaving them never to the assistant-surgeon, because the Fenian prisoners were peculiar. The governor at that time wished as few communications with them as possible. On Tuesdays and Fridays it is quite possible I would visit them about noon.

10,505. I think, if I correctly understand you, on Monday you probably would not visit Rossa before half-past 11 o'clock, and on Tuesday and Friday you had scarcely reached his cell until 12 o'clock?—(*Dr. Burns.*) On Tuesday and Friday I would not reach his cell until half-past 11.

10,506. I think you used the word "noon"?—(*Dr. Burns.*) About half-past 11 or a quarter to 12. I cannot confirm it to a quarter of an hour.

10,507. On Mondays we got to half-past 11?—(*Dr. Burns.*) Yes, but sometimes I would start on coming in. It would depend on whether there were patients. Probably there would be no women and children to see. Then I would start immediately.

10,508. Let us take Wednesday?—(*Dr. Burns.*) Wednesday would be precisely the same as Monday.

10,509. Just recall what you do on Wednesday?—(*Dr. Burns.*) I should come in to see those waiting in the waiting room.

10,510. Who are they?—(*Dr. Burns.*) The women and children, or whoever may be there.

10,511. How many women and children on an average are there every morning?—(*Dr. Burns.*) Take this morning; there were very few—four.

10,512. Some marriages you have more?—(*Dr. Burns.*) Well, there may be 11.

10,513. Often a dozen?—(*Dr. Burns.*) They vary a good deal.

10,514. Would there often be eight?—(*Dr. Burns.*) Yes, about eight.

10,515. How long would each of these women keep you?—(*Dr. Burns.*) Well, I should think about 10 minutes.

10,516. Each woman 10 minutes?—(*Dr. Burns.*) It depends on what they come for.

10,517. Answer my question. How long would each of them keep you?—(*Dr. Burns.*) One 10 minutes and another one minute, just to apply the medicine.

10,518. How long would the eight cases take?—(*Dr. Burns.*) Well, I put down a quarter of an hour.

10,519. After seeing the women and children, what do you do next?—(*Dr. Burns.*) I then go over to the infirmary.

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10,520. How many men from the works had you to-day?—(Dr. Burns.) The assistant-surgeon had seen the greater number. I had four remaining for me to inspect.

10,521. What number do you generally see on Wednesday?—(Dr. Burns.) There are generally about half a dozen left for me to decide whether they are to go in or not.

10,522. On Wednesday?—(Dr. Burns.) On any day.

10,523. After seeing these men what do you do?—(Dr. Burns.) Then I start immediately to the cells.

10,524. You said something about letters?—(Dr. Burns.) These letters and papers take some time. There are letters to look over, and any that require answering I leave until afterwards.

10,525. Can you not form some judgment as to how long seeing the women and children, seeing the men from their works, and looking over the papers, would occupy one day with another on an average?—(Dr. Burns.) I allow about a quarter of an hour to each of these. It was more lately within those last few months by the time every man went. Indeed, it takes a very long time to see those men in the separate cells.

10,526. We are not speaking of the men in the separate cells. I am asking you now how long on an average you spend, one day with another, in seeing the women and children, in seeing the men sent in from the works, and in looking over your papers? I am quite aware the time will vary?—(Dr. Burns.) Half an hour.

10,527. Half an hour for those three days?—(Dr. Burns.) Yes, half an hour for those three days.

10,528. What do you do after that?—(Dr. Burns.) I start on to the separate and penal cells.

10,529. Which do you take first?—(Dr. Burns.) The penal cells first.

10,530. Where are the Fenian prisoners placed?—(Dr. Burns.) In the penal cells.

10,531. How long do the separate cells occupy you, one day with another?—(Dr. Burns.) I will say 20 minutes.

10,532. And where do you go from them?—(Dr. Burns.) I just now go from there over to the prison, to the portion of the infirmary that we have there.

10,533. Before going to the Fenian prisoners do you go to the infirmary?—(Dr. Burns.) No. I go to the Fenian prisoners immediately after the separate cells. When I go to one I go to the other. I never leave the separate cells without going to the penal cells.

10,534. Do you think that you are an hour and a half engaged between the time for seeing the women and children and visiting the Fenian prisoners?—No. I am not an hour, taking an average, one with another. About 11 o'clock you will find I suppose it is noon there. There are several things in prison I am obliged to make arrangements about. Sometimes when I come to the gate the governor wishes me to see the men in the separate cells at once if I can manage it. I then turn away from these duties, and take the separate cells at once. The duties in the separate cells are done as early as I can possibly do them.

10,535. You have already told me that you rarely get to the Fenian prisoners before half-past 11 o'clock on Mondays, or before noon, or a quarter before noon, on Tuesdays and Fridays?—(Dr. Burns.) I cannot on Tuesdays and Fridays get to see them. I am speaking of the time Ross was there.

10,536. That is the time I refer to?—(Dr. Burns.) At that time I could not get to see them so early as at present.

10,537. On Mondays and Wednesdays?—(Dr. Burns.) I made a start as soon as I could to get there.

10,538. Are you not aware that you have already told me distinctly that you did not get there until half-past 11 o'clock on Mondays?—(Dr. Burns.) Yes.

10,539. Are you aware that you frequently visited O'Donovan Rossa during the 35 days that he was

manacled about dinner time; say a quarter to 12 o'clock?—(Dr. Burns.) Well, I may have visited him during that time, but not frequently.

10,540. You said it must have been so on Tuesdays and Fridays. Is it your opinion that on the other days you were frequently as late as half-past 11 in reaching his cell?—(Dr. Burns.) No. I do not think I was ever later than 11 on other days. I could not possibly be.

10,541. (Mr. Brodick.) Rossa, did it ever happen during this time that the handcuffs were removed from back to front some little time before dinner?—(Prisoner.) Well, I do not know that they used to be removed before the time the bell would ring, a quarter to 11.

10,542. (Chairman.) A quarter to 12?—(Prisoner.) Yes, a quarter to 12; and sometimes the dinner would come to the gate before they would be removed.

10,543. (Mr. Brodick.) Do you think that the handcuffs were sometimes removed a quarter of an hour before?—(Prisoner.) Not so much.

10,544. (Dr. Lyons.) Not more than a quarter of an hour?—(Prisoner.) I would not say they were, Mr. Lyons.

10,545. (Chairman.) Is there anything else that you wish to ask the doctor?—(Prisoner.) Would it not take the doctor a quarter of an hour to visit the prisoners in the first wing of the division before he would reach me?

10,546. Would it take that time to visit the other cells?—(Dr. Burns.) It varies a good deal, my lord. I have been an hour there, and sometimes I have done it in 10 minutes.

10,547. Was it the case, Rossa, that your cell would not be the first to visit?—(Prisoner.) No, my lord.

10,548. Would there be a good many to visit before coming to you?—(Prisoner.) Yes, my lord; all in punishment. Ask the doctor, my lord.

10,549. Is that so?—(Dr. Burns.) There are a good many to visit before Rossa?—(Prisoner.) Could it occur in those 35 days that Doctor Steele would take prison duty and visit the separate cells?

10,550. Do you recollect that you visited those cells during the 35 days, or that your assistant did it?—(Dr. Burns.) I have no notes on the subject, but to the best of my recollection I visited them every day myself. I made a point of always visiting them, and have always visited them, even now.

10,551. We are speaking of that particular period?—(Dr. Burns.) Oh, all along. (Prisoner.) Is it not possible that Dr. Steele would also visit?

10,552. Would your assistant visit on the same day?—Not unless he was sent for. If he was sent for he would.

10,553. (Dr. Lyons.) Did Dr. Steele visit you during that period of 35 days?—(Prisoner.) I think he did. I have nothing particular regarding his visits to fix itself in my memory, but I think he did.

10,554. Take in your hand this published letter of Mr. McCarthy Downing to the Right Honourable Mr. Bruce, the Secretary of State, to which Lord Darnley has already referred. Look at that part of it which purports to give an examination of you, and state to me whether it reports you correctly or not?—(Dr. Burns.) I do not see the medical officer's name mentioned there.

10,555. There it is (pointing out the passage).—(Dr. Burns, reading.) "I added, 'Surely there are 'officials present who can throw light on the subject; you were not in the goal at the time Dr. Burns was,' and I thereupon asked the doctor if on any of his visits he had seen the prisoner manacled behind his back. He hesitated, and evidently would rather I had not asked the question. He replied, 'I did.'"

10,556. Go on.—(Dr. Burns.) "I thereupon asked the doctor if on any of his visits he had seen the prisoner manacled behind his back. He hesitated, and evidently would rather I had not asked the question. He replied, 'I did.' I asked, 'Was he so

"manacled for 85 days?" He answered, "I do not think he was." The manner in which this answer was given would have left no doubt on the minds of 12 intelligent jurors how the fact was. I then asked, "How often did you see him manacled with his hands behind his back?" He replied, "Probably six or seven times or more; but I certainly do not think he was not manacled for 85 days."

10,537. Does that represent correctly what took place on that occasion?—(Dr. Burns.) No; the statement here, the answer that I have given is that he was manacled, but not with the hands behind his back. I really had no recollection sufficient to tell him how long he was manacled. I had no notes of the circumstance.

10,538. Did you repeat the statement that is there put forward as to the number of times?—(Dr. Burns.) The number of times, certainly; for I have a sort of almost recollection.

10,539. (Chairman.) The only question is, that a correct representation of your answer?—(Dr. Burns.) I do not think it is. It is possible I might have said six or seven times. I say it may be, even now, six or seven times; but I will not swear to more than three days. That is the evidence I gave. (Prisoner.) Does Dr. Burns recollect my showing him my hands out one day in the presence of Mr. Allison? I said, "Doctor, could not these hands be put on without cutting me?" and Allison stated, "I can assure you, no doctor, that the greatest care has been taken; I often nip a man myself."

10,540. Do you recollect that?—(Dr. Burns.) I do not, my lord.

10,541. Did he ever show you his hands?—(Dr. Burns.) Never to my recollection.

10,542. (Mr. De Vere.) You say, Dr. Burns, that you saw him handcuffed behind for three days?—(Dr. Burns.) I did.

10,543. You state that from clear memory of the actual observation?—(Dr. Burns.) I do. I remember it perfectly; perfectly for three days.

10,544. You are quite certain?—(Dr. Burns.) I am perfectly certain of three days.

10,545. Are you also certain that they were three consecutive days at the commencement of the punishment?—(Dr. Burns.) They were.

10,546. Could you have ever said that you could not speak with certainty as to having seen him with the handcuffs behind after three days?—(Dr. Burns.) I am perfectly certain that he had handcuffs on for about three weeks or a month.

10,547. But the handcuffs on behind after those three days?—(Dr. Burns.) No, I am not; I am not answering to the handcuffs being on longer.

10,548. My question to you is, whether you can have ever said that you cannot speak with certainty as to having seen him with the handcuffs behind after those three days. Did you ever say that?—(Dr. Burns.) I do not recollect stating that, sir.

10,549. Would it be true if you said it?—(No answer.)

10,550. Well, I ask you the question now. Can you now speak with certainty as to having seen or not having seen him with handcuffs behind after those three days?—(Dr. Burns.) I am perfectly certain that I have never seen him to make any remark of the circumstance after three days. When I gave that first answer it is very likely a casual observation. I thought all these things were reported to the governor, and that it was quite useless to put the question to me. But when you ask me on my oath, I will say I cannot swear for more than three days, because I noticed it then, for I was watching for the directors' sentences.

10,551. Do you now say that he had not his hands handcuffed behind, except those three days?—(Dr. Burns.) To the best of my belief he had not them handcuffed behind for the remainder of the period.

10,552. Did you state just now that he may have had the hands handcuffed behind his back for six or seven days?—(Dr. Burns.) He may have had them handcuffed in front, but I am not going to say he

had; for my attention was not called to the subject sufficiently to answer that question.

10,553. I will only ask you one question further, Dr. Burns. Your reason for not being able to give any positive answer with regard to the handcuffs being on behind for any number of times after the first three days is, that your attention was never called to the subject?—(Dr. Burns.) My attention was not called to the subject in any way whatsoever, nor did I think it any part of my duty to look after it.

10,554. Your attention not having been called to it, is your recollection clear or doubtful on the subject?—(Dr. Burns.) It is not. (Prisoner.) He says he never saw me more than three days so as to make any remark. Did he make any remark or any observation during those three days in any book?

10,555. (Chairman.) Did you make any entry in any book as to the fact of his having been handcuffed behind?—(Dr. Burns.) I did not, my lord. (Prisoner.) Has he any reason to fix in his memory that those three days were consecutive?

10,556. What is your reason for recollecting that those three days were consecutive?—(Dr. Burns.) I noticed it as being singular that he should be under arrest in this way. The governor spoke to me on the subject, and I watched for the three days waiting the directors' decision. (Prisoner.) Can I ask him a question, my lord, with regard to anything he might have said to another prisoner?

10,557. Did you hear him?—(Prisoner.) No, I did not, my lord.

10,558. (Mr. De Vere.) Was it on this subject of treatment of food.

10,559. (Chairman.) No?—(Prisoner.) My lord, did he see four ounces of meat that I am reported as getting in on Sunday the 19th of June?

10,560. He is reported as having returned four ounces of meat on the 19th of June?—(Dr. Burns.) I did see four ounces of meat, but it may have been the meat of another prisoner. Let me see, is there any other meat returned (looking at the returns). I saw that four ounces of meat. There is no other; is there? Oh, see moment; excuse me, my lord, one moment, until I see if there is another. There is no other meat. I remarked that. I saw it. (Prisoner.) What quantity of meat is allowed to me on Sundays?

10,561. What quantity of meat would be allowed to O'Donovan Rossa at that time?—(Dr. Burns.) On Sundays five ounces of mutton. (Prisoner.) I just ask the question because I recollect putting out all I got. (Dr. Burns.) Five ounces of mutton. I wish to correct a statement, I think I did so before, about the quantity of meat. I stated five ounces was the quantity before being cooked, but instead of that it is nine ounces. (Prisoner.) Will the doctor look over the returns for the past month and say what bread I am represented as given out?

10,562. Will you look at the returns for the month now passed and see the quantity of bread that has been returned by O'Donovan Rossa?—(Dr. Burns.) I know myself that Rossa is in the habit of returning 11 ounces a day. (Prisoner.) Is it recorded there?

10,563. Is it recorded there?—(Dr. Burns.) Every day is there; but I cannot see the continuation of July.

10,564. (Dr. Lyons.) This goes to the 6th of July?—(Prisoner.) Any time about that will do, my lord.

(Dr. Burns.) Eleven ounces a day. (Prisoner.) As to the wife I wish to make one remark. I have made up my mind that if you cannot get the letter to-day, and if you would examine her before you in London, I think I could facilitate matters by having her just examined here, and leave you to satisfy yourselves when you get the letter in London, as she has some things to do.

10,565. (Chairman.) Would she rather be examined here than in London?—(Prisoner.) I do not know, my lord. When I would have the letter, and her examined before you, I do not think there would be much importance in her seeing the letter to Moore's wife.

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10,588. (Dr. Lyons.) You want to expedite matters so that she may go away?—(Prisoner.) Yes, if she was so desirous.

10,587. (Chairman.) We will see on the arrival of the post. In the meantime you can put down any points upon which you wish your wife to be examined.

The prisoner withdrew.

Dr. Burns.

Dr. Burns's examination resumed.

10,589. (Dr. Lyons.) Dr. Burns, you stated to me on the last day, and if you wish, I will have your answers read for you by the shorthand writer, that I was mistaken about the meat which I saw on the 4th of July, which I objected to as being bad, and to which I called your attention. I certainly understood on that occasion that both you and Mr. Bruce, the steward, admitted that the meat was bad. You stated subsequently here that I was mistaken, and that the meat had been cooked and found good?—I did, sir.

10,590. What?—I did, sir.

10,591. You did state that I did state that; and the meat when it was received, I think I was the first to call attention to it. I said, I think, "Look at the smell of this meat!"

10,592. No; my recollection is, that I first called your attention to it?—Well, possibly. I quite agreed with you on that point. The steward objected, and said, "That is not bad; that colour is from the packing." I said, "I think it smells badly." The meat was left open, exposed to the air, and was surveyed by the deputy-governor, perhaps an hour after, and the steward stood, on looking over it, that the meat had often the same appearance from the packing. The meat was thought good, and it was cooked.

10,593. That meat was cooked?—That meat was cooked, and I would not allow it to be used until I examined it myself; and on smelling it it had not the least possible smell of anything bad.

10,594. How do you know that that particular meat that I objected to was cooked?—Because that was the only meat received by the steward. We had no other meat in the place to use. We only got what is positively required. It would not keep; and those were two remarkable days of great heat. I made an objection in one or two instances, and they have disputed the point with me, because from the packing the meat has a peculiar smell which passes away.

10,595. Are you positive that you are correct when you state that that particular meat objected to by me was cooked?—I am positive that it was cooked, and that it had no smell or taste.

10,596. How do you know that those particular pieces that I pointed out as being bad were cooked?—Because this is the only meat that comes specially for my use here, sent in a particular quantity, and if we found it wrong we should have sent it away, and demanded other meat for it; and the man who is there knows that I am rather liable to reject those sort of things.

10,597. What man?—The butcher here.

10,598. What is his name; is it Rochester?—I do

supposing that we decide to examine her in London?—(Prisoner.) Yes, my lord.

10,588. (Dr. Lyons.) You have also to consider over the matters I asked you about. Do you remember what those matters were?—(Prisoner.) Yes, Mr. Lyons.

The prisoner withdrew.

not know the man at all. I have been in the constant habit of smelling it back.

10,589. If any officer of this prison stated that the meat was rejected on that particular day, would he be wrong?—That meat was not rejected.

10,590. You are still positive that that particular meat was not rejected?—That meat was not rejected, sir.

10,591. Do you remember that there were certain portions of that meat that appeared to us bad?—There were. I questioned the steward, and he said that those very pieces were cooked.

10,592. Do you now again positively state that those individual and identical pieces of meat were cooked?—I state it on the authority of the steward, who told me he boiled them.

10,593. The steward told you?—The steward told me that they were cooked. The governor told me, and showed me a report of a survey he held.

10,594. (Chairman.) Was it Mr. Bruce, the steward, that told you the meat was cooked?—Yes, my lord.

10,595. (Dr. Lyons.) What did the governor show you?—He had a report in his hand showing that the meat had been passed as good, and my attention was specially called to it in the infirmary. There was a report on the subject, which is in the possession of the governor, Mr. Butts.

10,596. In possession of Mr. Butts?—In possession of Mr. Butts. He showed it to me.

10,597. I wish to know definitely from you now, whether the two or three pieces of meat that I pointed out on the morning of the 4th as objectionable were or were not, according to the best of your belief, cooked on that day?—According to the answer of the steward. I made inquiry from the steward, and according to his answer to me I am in the belief that he cooked those pieces of meat, and they were at once served for the sick.

10,598. I do not refer to the whole of the meat that was lying there, but to the particular pieces that I pointed out to you, and that you agreed were objectionable?—It was all cooked together.

10,599. I speak only of the two or three pieces which I pointed out as being bad, one of which was given in part of it. Are you quite certain that those identical portions of meat was cooked?—That is my belief. I believe he has cooked the whole of it. He has not led me to believe that any of it was returned.

10,600. You believe that he cooked the whole of it?—That he cooked the whole of what was lying there. The assistant-surgeon inspected it before me the same day, and I inspected it and the steward.

Mr.
W. F. Burns.

Mr. Wm. F. Burns, governor, recalled, confronted with Dr. Burns.

10,611. (Chairman.) Mr. Butts, was there a report made to you about some bad meat on the 6th of July?—(Mr. Butts.) There was, my lord, by the steward.

10,612. What was it?—"Sir, I beg to report that the motion sent by the contractor this day for the use of patients in hospital, and which the Commissioners saw at the stores whilst examining the provisions generally, had not been killed in the locality, but had been brought from the London market, and from being newly unpacked had not lost the faint, muggy smell which packed meat usually has, particularly in warm weather. The pieces the Commissioners objected to, and also two other pieces, were not received. The remainder of the supply was carefully examined by Captain Leggett, the chief warder and cook, and passed as satisfactory. The motion was further examined on the following day, after it was cooked, by the

"medical officer and myself, and not the least taint could be discovered; neither was there a single complaint made by the prisoners to whom it was issued."

"I am, sir, your obedient servant,
"R. BURNS, steward."

10,613. You hand in a report addressed to you, Mr. Butts, by Mr. Bruce, the steward?—Yes, my lord. I called for the report, thinking you might want it.

10,614. (Dr. Lyons.) Do you hand in this, or a certified copy of it; which would you do?—You are quite welcome to this. I do not want it, or a copy of it.

10,615. (Chairman.) Dr. Burns, having heard that report from the steward read, have you any doubt now, that you were under some misconception when you said that the whole of the meat was cooked?—(Dr. Burns.) I was under the belief that the whole

of the meat had been cooked. I am quite satisfied now that it was not.

10,616. You are quite satisfied now from that letter, that supposing Mr. Bruce to have stated to us, as he did the other day, that three pieces of the meat had

Mr. Butts withdrew.

Dr. Burns's examination continued.

10,618. (Chairman.) Dr. Burns, are you in professional attendance on the Reverend Mr. O'Sullivan, Roman Catholic priest of this prison?—I am, my lord.

10,619. Is he in a state in which he would be able to give evidence?—He is in a very weakly state indeed. He has hardly been able to crawl about. He is lying on a water-bed or air-bed this morning.

10,620. Is his ailment mental or bodily?—Bodily; and he has had hæmoptoeic—vomiting of blood and spitting of blood. He can hardly hear any excitement.

10,621. Then you would not consider it advisable to examine him?—I would not consider it advisable to examine him. There is a note to let me know his state to-day.

10,622. Is that from himself?—From himself. He says he hopes I will call on him in the cool of the evening, and that he has been obliged to get an air-bed, as he could not stir or move a joint owing to the great pain. (*Witness hands the letter to his lordship.*)

10,623. It is the handwriting of an invalid?—It is, my lord.

10,624. (Dr. Greenock.) Amongst the treason-felony prisoners at present in this prison there is one named John Devoy?—There is.

10,625. Do you know him?—Yes.

10,626. Is he in perfect health?—Would you allow me to refer to this paper? (*Commits a paper.*) He has never been under medical treatment in the infirmary. Would you allow me to see his medical history? Devoy has never been in bad health.

10,627. What work is he put to?—Stocking mending or breaking stones. Stocking mending lately.

10,628. Light labour?—Light labour.

10,629. I asked you about O'Connell the other day. Has McClure been ill since he came here?—Well, he has had opening medicine.

10,630. Has he made application to you?—Devoy has made application for opening medicine.

10,631. I am speaking of McClure?—He is in good health.

10,632. Are you aware whether he has lost weight or not since he came here?—He has gained weight at one time, but lately he has lost weight.

10,633. State exactly what his weight was when he came here?—His weight when he came here was 162 pounds.

10,634. He then gained weight up to what amount?—He gained to 157 pounds.

10,635. What is his weight now?—150½ pounds.

10,636. (Dr. Lyons.) On what date was that taken?—On the 12th of May.

10,637. Of this year?—Of this year.

10,638. (Dr. Greenock.) Has he complained of illness in any shape?—He has required an occasional purgative; nothing more. On the 31 of May he fainted, but recovered immediately.

10,639. Of what year?—Of this year, sir.

10,640. Is that the only occasion on which he has fainted?—That is the only occasion. It was from the heat of the church, if I remember right. The assistant-surgeon saw him. He found it was on account of the heat of the weather.

10,641. Do you consider McClure is in good health?—I consider McClure is in good health.

10,642. What labour is he put to?—Light labour of the same kind.

10,643. Stocking knitting?—Stocking knitting.

10,644. Has he had other labour since he first came here?—Some have been at stonebreaking on coming here. I do not think he has been one of them. They

have never been out at the works any of them. The work they are employed at is peculiar to themselves.

10,645. Has Halpin been in good health since coming here?—Halpin has not; he has been complaining of chronic cough.

10,646. Have you examined his chest?—I have.

10,647. Did you ascertain the cause of the cough?—I did.

10,648. Just explain what it was?—It was sufficiently explained by his own statement. He has been complaining of chronic cough.

10,649. Halpin has complained of chronic cough?—He has complained of chronic cough, to which he stated he has been subject for some years.

10,650. Have you found any disease of the chest?—There is no disease whatever, or any means of accounting for it; except the stomach possibly there is nothing on which I think it could be discovered to lie.

10,651. What labour is he at?—He is at the usual labour with the rest.

10,652. Light labour?—Light labour.

10,653. O'Donovan Rossa has had a pain in the shoulder you say?—He has had a pain in the left shoulder lately.

10,654. Did he not complain of the spine?—I think he did once. There was nothing to be discovered.

10,655. You examined his spine?—I examined it.

10,656. With the clothes off?—I did.

10,657. And found no curvature?—No; there is nothing whatever. I pronounced him a most healthy man.

10,658. No tenderness on percussion?—No tenderness on percussion.

10,659. You are quite satisfied that there is no disease whatever?—I am quite satisfied that there is no disease whatever.

10,660. Is he at light labour also?—He is at light labour. I fancy that Rossa when he first came here was at harder labour than the other Fenians. I remember something of that kind. It is no doubt on record.

10,661. Has he been gaining or losing weight since he came here; just give his weight on admission here?—Rossa on admission here weighed 168 pounds.

10,662. What date was that?—That was on the 14th of May 1866.

10,663. (Mr. Bradish.) Can that be so; is that on admission here?—It is Portland; I should have said the 24th of February 1868.

10,664. (Dr. Greenock.) What was his weight then?—162½ pounds.

10,665. Has his weight varied from time to time during his residence in this prison?—It has. On May the 26th he reached 170 pounds.

10,666. May the 26th is what year?—'69.

10,667. Was he weighed during 1868, at the time he was undergoing so many days bread-and-water in the cells?—No, he was not weighed at that time. I am positive he was not.

10,668. Then you have no idea whether he lost or gained weight at that time?—I have no idea.

10,669. You are quite satisfied that he has no disease whatever of any importance at this moment?—I have examined him very carefully and can discover none.

10,670. (Mr. De Vere.) What is the last date of the weighing of O'Donovan Rossa?—163½ pounds, on the 12th of May 1870.

10,671. On the 23rd of May '69 it was 171 pounds?—It was 171 pounds; he was increased in weight a good deal.

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27 July 1870.

Dr. Burns.

Dr. Burns.

27 July 1879.

10,672. (*Dr. Greenhow.*) To what do you ascribe the fall in weight between May '83 and May '79?—I think his diet. He ate nothing short that time. He had never been so light before.

10,673. (*Mr. Bredrick.*) Was he then employed in the open air?—I think he was, breaking stones under a shed. I think it was under a shed.

10,674. (*Chairman.*) What was the last occasion on which O'Donnell's Ribs were weighed?—Last month, my lord; the 12th of May 1870, 182½ pounds.

10,675. (*Dr. Greenhow.*) Has Henry Shaw been under your care medically?—He has only been once under treatment, it appears, for diarrhoea—a slight attack of diarrhoea. On other occasions he was in perfect health—in very good health.

10,676. On how many occasions has he been in hospital?—He has never been in hospital.

10,677. You stated when Ross was in the room that he has more bread than the prisoners working out of doors?—He has.

10,678. Will you tell us the diet of the treason-felony prisoners?—On Monday and Saturday, the breakfast, a pint of tea and 11 ounces of bread.

10,679. It appears they are better fed than the other prisoners?—They are better fed than the other prisoners.

10,680. Tell us what the difference is?—For breakfast the treason-felony prisoners, on Mondays and Saturdays, have a pint of tea and 11 ounces of bread.

10,681. What have the other prisoners?—The other prisoners have a pint of cocoa and 11 ounces of bread.

10,682. (*Dr. Lyons.*) Then the difference is between cocoa and tea?—Yes, the difference is between cocoa and tea.

10,683. (*Dr. Greenhow.*) Monday and Saturday; go on now?—For dinner five ounces of beef with the liquor.

10,684. Is that five ounces of cooked beef?—Five ounces of cooked beef without bone.

10,685. This is the dinner on Monday and Saturday?—It is about nine ounces with the bone, and pound of potatoes, and five ounces of bread.

10,686. Now the other prisoners. What is their dinner?—The other prisoners have for dinner five ounces of beef with the liquor, a pound of potatoes, and five ounces of bread.

10,687. That is precisely the same?—It is precisely the same.

10,688. Go on now to the supper?—For supper the treason-felony prisoners have a pint of tea and 10 ounces of bread. For supper the other prisoners have a pint of groat and eight ounces of bread.

10,689. (*Mr. De Vere.*) What is the difference?—They have two ounces more bread.

10,690. (*Dr. Greenhow.*) This is Monday and Saturday. Now go to the other days?—Tuesday and Friday the dinner is five ounces of mutton (roast).

10,691. Five ounces roast?—Five ounces roast, five ounces of bread, a pound of potatoes, and two ounces of cheese.

10,692. What have they for breakfast those days?—They have the same breakfast as on the other days.

10,693. They have on Tuesdays and Fridays the same breakfast as on the other days?—They have the same breakfast as on the other days.

10,694. Have they the same breakfast all the week?—They have the same breakfast all the week.

10,695. On Tuesdays and Fridays they have five ounces roast mutton?—Five ounces roast mutton, five ounces of bread, one pound of potatoes, and two ounces of cheese.

10,696. What have they for supper?—The same as on the other days. Supper is always the same; breakfast and supper.

10,697. Go to the other prisoners?—On Tuesdays and Fridays the other prisoners have for dinner a pint of soup with the food.

10,698. Does that mean of beef soup?—Beef soup,

one pound of potatoes, five ounces of bread, and two ounces of cheese.

10,699. Yes?—Now, on Wednesday the dinner varies. On Wednesday the dinner is five ounces of mutton (roast), a pound of potatoes, and five ounces of bread; precisely the same as the other prisoners.

10,700. (*Dr. Lyons.*) I assure you, doctor, we have all this before.

10,701. (*Dr. Greenhow.*) Allow me to finish the week?—On Thursday the dinner for the treason-felony prisoners is battered pudding, a pound of potatoes, and five ounces of bread. The other prisoners have oat pudding; a pound of oat pudding, a pound of potatoes, and five ounces of bread.

10,702. Suet pudding one pound?—Suet pudding one pound.

10,703. And the same potatoes and bread?—And the same potatoes and bread.

10,704. Sunday?—On Sunday five ounces of mutton, a pound of potatoes, and five ounces of bread.

10,705. What have the other prisoners?—The other prisoners have a pint of soup and five ounces of bread.

10,706. Is it a fact that the treason-felony prisoners are refusing a large quantity of bread?—They return their bread, and one of them returns cabbage. One or two in prison return cabbage: one is O'Connell.

10,707. (*Dr. Lyons.*) Is that the official return in your hand?—It is a copy of the dietary.

10,708. Will you initial it and hand it in, please?—I will.

10,709. (*Dr. Greenhow.*) The treason-felony prisoners return bread only?—They have returned rice occasionally.

10,710. (*Dr. Lyons.*) We have it in evidence that Ross returned bread?—It is only four ounces one day. As a rule he has only returned 11 ounces of bread.

10,711. (*Dr. Greenhow.*) When did they get rice, for rice does not appear in the dietary you have detailed?—When potatoes are not used the rule of the prison is to substitute rice. I reserve cabbage or some other vegetable in lieu. At present they have half rice, half cabbage.

10,712. Ross returned bread?—Ross returned bread.

10,713. Which of the others returned bread?—I think Halpin and O'Connell.

10,714. Does O'Connell return anything else besides bread?—I think you have a copy of all the returns there. O'Connell has returned his tea lately. He always returns the cabbage. O'Connell returns the bread.

10,715. Who returns the cabbage?—O'Connell, always.

10,716. And bread?—Yes.

10,717. And what else?—And a portion of the rice.

10,718. Anything else?—Nothing else.

10,719. Then O'Connell eats all the meat?—O'Connell has eaten all the meat; he has not refused any.

10,720. O'Connell, as you are aware, has lost weight very much?—He has.

10,721. What is the reason of that?—Because he has abstained on several occasions from food, without any reasonable cause.

10,722. What has he abstained from?—He has abstained from bread. He has returned a great quantity of bread. I have seen as much as a pound and a quarter returned by him.

10,723. He has not returned his meat?—He has not returned his meat.

10,724. He has been in the habit of returning bread daily?—He has. When I say daily I do not know how it is. He gets two days' allowance together. Somehow he mixes one with the other. I may say daily, because it is the produce of each day.

10,725. Let me hear that again?—He returns daily because he returns the produce of each day. Possibly he may return both together.

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10,726. He returns every alternate day then?—Every alternate day.

10,727. How much does he return those alternate days?—It varies.

10,728. Just mention one or two instances?—Well, I see that on the 2d of June he returned 14 ounces of bread, on the 4th of June he returned five ounces, on the 6th of June he does not return any, on the 8th of June he returned 23 ounces, and went on the 7th. It varies very much.

10,729. Do you think that O'Connell's loss of weight is due to this frequent return of his food?—I think so.

10,730. O'Connell returns all excreta ment?—With regard to O'Connell's health, I stated that he was subject to palpitation, and sometimes actually free from it. At the present, and for some time, he has had no palpitation. He is free from it now.

10,731. (Dr. Lyons.) What report can you give as to the state of health of O'Connell?—I think he is in his usual health.

10,732. Do you still adhere to the opinion that I understood you to give the last day that this prisoner was shamming or malingering?—He has not been shamming for a long time.

10,733. He has not been for some time?—He has not for a long time. Probably you mean refusing his food.

10,734. I understood you to say that he was malingering altogether?—It was a question put to me whether I thought his statements from food was on purpose—whether it was malingering; and I said I thought it was.

10,735. Have you, since the date of my questions, examined him professionally?—I have not.

10,736. You have not?—I have not. Well, I have examined the pulse, but I have not examined with any professional view, except casually visiting him, as I do once a week, knowing he has palpitation. I found there was none.

10,737. Did you apply the stethoscope over his heart?—I did not.

10,738. Did you put your hand over his heart?—I did.

10,739. Is there excessive pulsation?—No; his heart is perfectly quiet. So it was this morning when I saw him.

10,740. Is there any evidence of enlargement of his heart?—No, I think not.

10,741. Did you at any time examine the state of the aorta?—I have examined his chest to see whether any enlargement of the veins or palpitation in the course of the aorta; but there is nothing of that kind. He has never complained of anything of that kind.

10,742. Do you think McClure a healthy man?—McClure, I think so.

10,743. Is he a nervous man?—No, I think not. O'Connell is the only one that appears to be habitually nervous.

10,744. Do you not think McClure a nervous man?—No, I think not.

10,745. Have you had any complaints from Halpin as to the state of his eyes?—I had.

10,746. Is there anything the matter with his eyes?—Well, I think his age possibly may account for some of the defects that he mentions, and at the time he mentioned it to me it is very likely he was suffering from the stomach—dyspepsia.

The witness withdrew.

The prisoner J. O'Donovan (Rossa) and his wife examined.

10,769. (Chairman.) O'Donovan Rossa, the letter has not yet come, but bearing in mind what you have said this morning, the Commission have asked your wife to come, in order that any questions which appear necessary may be put by you to her through me. Now, what questions do you wish me to put to Mrs. O'Donovan Rossa, either in reference to that letter

10,747. When you speak of his age, have you any reason to think he is more than the age he is returned at, 45 years?—No, I have no reason to think he is more, but he seems to wear badly; I mean as a man, not as a prisoner.

10,748. Do you suppose he is arrived at that time of life when, in the course of natural decay, his eyes might undergo change?—When I have been called to see him he always ascribed it to the state of his stomach.

10,749. Have you examined his eyes?—I have.

10,750. With what?—Nothing beyond opening them, and looking with a good light.

10,751. Have you examined them with a good lens?—I have not. They are very fair. There is a sort of grey haze round the edge of them, which is peculiar.

10,752. A grey haze?—The *areolæ areolæ*. Some men wear better than others.

10,753. Is there much *areolæ areolæ*?—No, not particularly; but I often fancy he used to rub them up when I went to see them.

10,754. He used to what?—To rub them up, to induce me to give him a shade. He wears a shade over them at present.

10,755. Why do you think he wears a shade?—I do not know.

10,756. What object would he have in getting a shade out of you?—The glare from the sun is so much that any person might wish it, but his wearing a shade I thought ridiculous.

10,757. Do you think there is anything going wrong with his eyesight?—I think not. I think if he were a free man and going about he would think nothing of it, but he looks for some ailment.

10,758. Do you think there is anything prematurely going wrong with his eyesight?—I think not.

10,759. Do you think from observation Rossa has lost weight since the 12th of May?—I do not think Rossa has lost weight since the last weighing.

10,760. Do you superintend the weighing of these prisoners?—No, I do not.

10,761. Would you have the goodness to have Rossa weighed to-day?—I will have him weighed at once.

10,762. If you please?—I will send. I have an officer here.

10,763. Wait one moment. With regard to Shaw, I did not quite understand your answer to Dr. Greenhow as to the state of his health at present?—He is in perfect health, and he only required medicine once after a slight attack of diarrhoea.

10,764. Will you be kind enough to see O'Donovan Rossa weighed, and take care that he is weighed in the same clothes and in precisely the same way that he was weighed on the 12th of May?—The prisoners are all weighed in one way in this prison, and that is without their boots and all their dress on.

10,765. All their dress on?—All their dress on. He may have weighed yesterday.

10,766. Have you any standard of height by which you could take Rossa's height accurately?—I have.

10,767. Will you be good enough to take his height accurately, as it is usually taken. The height was returned 5 feet 9½ inches, and he said he must be going down?—5 feet 9½ is the height at Pentonville, and it is not marked; 5 feet 9½ at Millbank; 5 feet 9½ we make it here.

10,768. It will complete the observations if you take his weight and height again?—I ordered them all to be weighed yesterday—McClure and O'Connell.

or any other subject bearing on this inquiry?—(Prisoner.) Will you allow me, my lord, to write one line, and get this off my mind?

10,770. You may write away. What is that paper?—(Prisoner.) What Mr. Lyons told me to draw up, my lord.

10,771. A statement of the periods during which

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you were under confinement?—(Prisoner.) Yes, my lord.

10,772. Now, O'Donovan Rosa, what questions do you wish us to put to your wife?—(Prisoner.) About that letter, my lord; and just I may tell you that my wife may hear it, that I desired to adopt this course lest she might have something to do, and might be delayed in London. The letter might not be of so much importance to her, for I suppose she is fully satisfied herself that there is no occasion for her to be jealous on the matter; and I am sure you will see from the letter, my lord, that it is a *dead, safe* letter to herself.

10,773. We understood that you wished her to be asked some questions about it?—(Prisoner.) Yes, my lord. The letters that called forth that letter from me are here in this prison, and I would wish that you would send for them, my lord. I think two letters.

10,774. Letters addressed by your wife to you?—(Prisoner.) By her to me before I wrote that letter.

10,775. Did you receive those letters?—(Prisoner.)—Yes, my lord.

10,776. Where are they now?—(Prisoner.) The governor has them here, among my papers. When I came to this prison from Portland they were taken charge of.

10,777. They were addressed to you when you were at Portland?—(Prisoner.) Yes, my lord.

10,778. Mr. Britts is not here now. He is away for an hour. We will ask him for them?—(Prisoner.) In going over, also, my lord, while we are getting that—in going over these reports my wife saw something that you have seen yourself, about having improper writing in my possession.

10,779. That you cleared up yesterday?—(Prisoner.) It was reported in Portland, my lord. I wish to make an observation, as my wife is present, on the matter, and let her see it.

10,780. We do not think it necessary; we were satisfied with your explanation yesterday. We do not think it necessary to refer to it unless Mrs. O'Donovan Rosa thinks it necessary?—(Mrs. O'Donovan Rosa.) I do not think it necessary, my lord.

10,781. As Mrs. O'Donovan Rosa and ourselves are satisfied there is no necessity for referring to it further.

10,782. (Mr. Brodriek.) Being "improper" meant contrary to the prison rules.

10,783. (Mr. De Vere.) That was the feeling of the whole Commission?—(Prisoner.) Well, my lord, I told you something yesterday about a letter of hers that she sent to Portland for me, and that letter was *doomed*.

10,784. (Chairman.) I took a note of that?—(Prisoner.) And I did not get an account of it until after 10 months. That letter is here, and I would wish to ask her a question, my lord, as to when she sent that letter.

10,785. I was going to ask her the same question. When did you, Mrs. O'Donovan Rosa, send that letter to your husband in Portland?—(Mrs. O'Donovan Rosa.) I do not know, my lord. (Prisoner.) I can get that letter among the letters from the governor. As I stated yesterday, my lord, I was six months without hearing that letter came, and of course it is unpleasant for her to think I did not write to her, and for me to think that she did not write to me.

10,786. You cannot tell us the date of that letter?—(Mrs. O'Donovan Rosa.) No; I cannot, my lord.

10,787. (Mr. Brodriek.) Was this the first letter your wife wrote to you after your imprisonment?—(Prisoner.) No; it was about the third.

10,788. (Dr. Greenhow.) Where did you write it from?—(Mrs. O'Donovan Rosa.) I do not know what letter you mean, sir. (Prisoner.) I will tell you. She asked me, Did I get a letter she wrote to me? I said not. I asked, Was there a letter for me? and I was told, "No, but this letter arrived here for me."

10,789. (Chairman.) I took a note of that to inquire from Mr. Powell in Milbank. Here is a

letter dated Friday night, 30th November 1866, from 17, Middle Mooney Street. Is that the letter you refer to?—(Mrs. O'Donovan Rosa.) That is my writing, my lord. (Prisoner.) No. I do not think I ever got that letter. Oh, that is the sheet that was suppressed. I did not get one sheet, and that is the sheet that I did not get. The other six sheets I got. I told you yesterday there was one sheet wanting of that letter.

10,790. This is the beginning of it?—(Prisoner.) Yes, I did not get the beginning of it, my lord. That is a letter I wish to ask her about. When did she transmit the letter?

10,791. Can you say, Mrs. O'Donovan, when that letter was written?—(Mrs. O'Donovan Rosa.) The 30th of November 1866.

10,792. Were you in Portland then?—(Prisoner.) Yes, I was in Portland then, my lord.

10,793. Can you say, then, when you got that other part of it?—(Prisoner.) About November '67, my lord.

10,794. (Mr. Brodriek.) There is an entry here which seems to show that O'Donovan Rosa was not allowed permission to read it even, beyond a certain page, until the 7th of December '67.

10,795. (Chairman.) "The prisoner has been allowed by the directors special permission to read a letter from the third page.—J. Morris, 7th day of December '67."—(Prisoner.) I got this other letter, my lord, but not that.

10,796. The point you wish us to address our inquiry to is, as to the cause why this letter dated the 30th of November '67 you got no part of till December '67?—(Prisoner.) No, my lord. I would not mind so much if I was told of its receipt when it came; that it was suppressed.

10,797. I see the point. We will inquire into it. You complain of not being told that the letter had come?—(Prisoner.) There might be objectionable matter in a letter coming in, and it would be suppressed; but I might be told that a letter came and that it was suppressed.

10,798. I understand your point.

10,799. (Mr. Brodriek.) Do you say that you were not told of the arrival of this letter until you received a part of it?—(Prisoner.) No; until four or five months previous to my receiving part of it. If I had learned that my wife had written, and that it was suppressed, it would be better than to think she had not written at all to me.

10,800. (Mr. De Vere.) You mentioned yesterday matters that came to your knowledge, and that made you aware of the fact that a letter had been written by your wife some 10 months before, and that you applied then and got a portion of that letter?—(Prisoner.) Yes, that is so. I learned the receipt of that letter through accident. I inquired about another letter. I was told it was there, and I think I inquired about that letter, and received part of it.

10,801. (Chairman.) Have you any other point?—(Prisoner.) My lord, there is one thing that I did not allude to until my wife would come—the charge against me on January 21st, 1867, of irreverent conduct in the Roman Catholic Chapel.

10,802. (Dr. Lyons.) On a Sunday?—(Prisoner.) On a Sunday, Mr. Lyons. I wish to see what was done regarding it.

10,803. (Dr. Greenhow.) Nothing was done but to inflict 42 marks?—(Prisoner.) There is no statement of the irreverent conduct, what it was.

10,804. There is no statement?—(Prisoner.) Simply when I went to the chapel before service commenced I had a conversation with another man how I was, or something that way. If this thing went on in your report without some explanation from me, it would not be agreeable.

10,805. (Chairman.) It is not necessary to enter further into it?—(Prisoner.) The other affair, that of making a false charge against the priest—that was trying to get that letter corrected. I made a charge against him to the effect that he was not doing his

duty, to clear my moral character. I thought I might that way succeed in doing it.

10,806. (*Dr. Lyons.*) Take a drink, for I have a good many questions to ask you. (*Prisoner drinks.*)

10,807. (*Chairman.*) There are all the questions that you have to ask until we get the letter?—(*Prisoner.*) Yes, my lord.

10,808. We shall see the letter; but I understood that you thought it desirable that your wife should see it?—(*No answer.*)

10,809. (*Mr. De Vere.*) To whom was the letter that was stopped addressed?—(*Prisoner.*) It was addressed to Mrs. Mary Moore, the mother of Michael Moore. I will just ask a question, my lord, that is, whether this Mrs. Mary Moore used to see my wife?

10,810. (*Chairman.*) Do you know, Mrs. O'Donovan Rossa, Mrs. Mary Moore?—(*Mrs. O'Donovan.*) Yes, my lord; she was in the habit of coming to the committee-room when I was secretary of the ladies' committee.

10,811. She was the mother of Michael Moore, one of the prisoners?—(*Mrs. O'Donovan.*) Yes, my lord.

10,812. Why did she come to the committee-room; was it for the purpose of receiving pecuniary assistance?—(*Mrs. O'Donovan.*) Yes, every week.

10,813. She would be probably cognisant of your address?—(*Mrs. O'Donovan.*) Yes, she knew my address perfectly well. She saw me once a week; sometimes oftener. (*Prisoner.*) The prison books will show you that Kate Moore is the wife.

10,814. (*Dr. Lyons.*) Do you know the name of Moore's wife?—(*Mrs. O'Donovan.*) I do, sir.

10,815. What is her name?—(*Mrs. O'Donovan.*) Catherine Moore.

10,816. Then a letter addressed to Mrs. Mary Moore could not have been intended for Catherine?—(*Mrs. O'Donovan.*) I do not think it could. (*Prisoner.*) Do they live together?

10,817. (*Chairman.*) Do they live together?—(*Mrs. O'Donovan.*) No; they have never lived together. (*Prisoner.*) One of the prisoners in D ward told me they never lived together. (*Mrs. O'Donovan.*) They do not even live in the same locality.

10,818. Did you on any other occasion address a letter to Mrs. Mary Moore intended for your wife?—(*Prisoner.*) No, my lord.

10,819. Never?—(*Prisoner.*) Never, my lord.

10,820. (*Mr. Brodribb.*) Would it have surprised you to receive a letter from your husband under cover to Mrs. Mary Moore?—(*Mrs. O'Donovan.*) Well, it would not have surprised me to receive a letter from him without the cognizance of the governor of the prison.

10,821. What I mean is, would it have surprised you to receive a letter from your husband, addressed not to yourself, but to Mrs. Mary Moore, provided there had been in the corner some initials showing that it was for yourself?—(*Mrs. O'Donovan.*) No, it would not surprise me at all.

Both witnesses withdrew.

JEREMIAH O'DONOVAN (ROSSA), prisoner, recalled.

10,826. (*Dr. Lyons.*) Now, O'Donovan Rossa, can you state to me the number of days that you were on bread and water in the several prisons in which you have been confined?—123 days, Mr. Lyons; about 123 days.

10,827. Will you specify the prisons and the number of days in each?—Portland Prison, 29 days; Millbank Prison, 82 days; Chatham Prison, 62 days.

10,828. (*Mr. De Vere.*) On bread and water?—On bread and water.

10,829. (*Dr. Lyons.*) Can you state how many days you were on penal class diet in dark cell, what varieties of diet you were on, and in what prisons you were so confined?—In Portland Prison, penal

class diet, 33 days; in Millbank Prison 128 days; and in Chatham 40 days.

10,830. (*Dr. Greenhow.*) On penal class diet?—Penal class diet.

10,831. (*Dr. Lyons.*) What total does that make on penal class diet?—231 days.

10,832. What were the varieties of penal class diet that you were on during that period?—Bread and gruel in the morning; dry bread and dry gruel, no milk; dry bread and dry potatoes in the evening.

10,833. What do you mean by dry gruel?—It is perhaps a provincialism in Ireland. The way we use gruel in Ireland, we use milk with it, even though it is boiled in milk. They use milk with it after being prepared pure milk on it.

10,834. (*Chairman.*) Was it from Portland?—(*Mrs. O'Donovan.*) No, my lord.

10,835. I understand you to say that this letter, which was addressed "Mrs. Mary Moore," was in answer to a letter that you had received from your wife?—(*Prisoner.*) Well, my lord, I will explain that. I received a letter from my wife some time before, and she asked me questions in this letter, and I could not answer her questions, for I had no permission yet to write. I think it was after asking the governor to send these answers that I gave in on the state that he told me he could not be sending my love-letters to my wife. It was then I tried to get out that letter surreptitiously.

10,836. Then, in point of fact, this letter, which was addressed to Mrs. Mary Moore, did contain the answers to questions your wife asked you?—(*Prisoner.*) Yes, my lord, you will see the letter full of matter.

10,837. What you ask us to do then is to compare that intercepted letter with the letter to which you say it was a reply?—(*Prisoner.*) Yes, my lord.

10,838. And that letter I understand is here now?—(*Prisoner.*) Yes, it is here now. A note I have taken is, to get from the governor the wife's letters preceding that letter addressed to Mrs. Mary Moore.

10,839. (*Dr. Greenhow.*) Was your husband in the habit of addressing you as "Mrs. O'D."?—(*Mrs. O'Donovan.*) He was not in the habit of addressing me, but I could understand his addressing me in that way. (*Prisoner.*) The name, my lord, is O'Donovan Rossa is a nickname.

10,840. (*Dr. Lyons.*) A nickname?—(*Prisoner.*)—A nickname, as we say in Ireland, taken from the place where my family live. O'Donovan is the real name, Rossa is a nickname.

10,841. You do not call that nickname in Cork, do you?—(*Prisoner.*) Yes, we call them "O'Donovan Dan," "O'Donovan Bull," and my family O'Donovan Rossa.

10,842. Was your father so called?—(*Prisoner.*) He was, sir.

10,843. And your grandfather?—(*Prisoner.*) He was, sir; and generations before then in fact.

10,844. (*Chairman.*) Mrs. O'Donovan, before you go we should like to ask is there any statement you wish to make to us on any point bearing on our inquiry?—(*Mrs. O'Donovan.*) No, my lord. (*Prisoner.*) I do not recollect anything more, my lord, except the letter I wrote to her about two months ago.

10,845. We will inquire into that matter at Millbank, and get this letter when the governor comes in, and compare it with the Portland letter when we get it, and make up our minds. We need not keep you now.

J. O'Donovan
(Rossa).

27 July 1870.

J. O'Donovan
(Rossa).

J. O'Donovan
(Respondent).

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10,844. You had no kitchening?—"Kitchening," that is it, Mr. Lyons; no kitchening.

10,845. Can you now state how many days you were confined with your hands tied behind your back?—Thirty-seven days, Mr. Lyons.

10,846. Thirty-seven days altogether?—Thirty-seven days in this prison.

10,847. In Chatham?—In Chatham.

10,848. On what diet were you during those 37 days?—On light labour diet during 35 of them, that was swilling soup, and on bread and water during two of them.

10,849. How many days and nights were you confined with your hands tied night and day?—Two days and two nights, Mr. Lyons.

10,850. In what prison?—In Millbank.

10,851. How were your hands tied on that occasion?—They were tied in front.

10,852. With what sort of manacles?—Tight manacles. There was no link between the cuffs. Number 8 is what the warder called them, I think you said.

10,853. How many days were you in absolutely dark cells in the various prisons that you have been in?—I think 28 days I allowed.

10,854. Can you specify the number in each prison?—I was two in Millbank; I was two and perhaps more than two in Portland, but I am sure of two. I cannot properly estimate the number here, because I kept no account of them.

10,855. How many did you state?—Between 20 and 24. Put down 24 here. I cannot recollect the number here. I was put in dark cells so often, and taken out so often, that I took no account of them.

10,856. How many nights of this period were you without a bed?—I was two nights here without a bed, without rug or blanket or anything; and I was about 14 nights in the several prisons without a mattress and sheets. I had one rug sometimes. I had a rug and two blankets at other times; for in Millbank the practice was there that when I got bread and water I would have no bed at night; but after the 25th of March a rug without blankets, and between September and March a rug and blankets. But in Millbank the clothes were not to be taken out from me. The clothes were taken out in Portland, and sometimes here.

10,857. Were you sent back to Millbank for a

second period of probation of 12 months?—Yes, I was sent back from Portland.

10,858. Did you spend that 12 months in Millbank?—Yes, 12 months and a few days.

10,859. And a few days?—Yes, 12 months and a few days. This punishment that I speak of in Millbank occurred during those 12 months, so I did not put it in the lot there. I only add that as something supplementary.

10,860. (Dr. Greenhow.) You state that you were 37 days handcuffed behind altogether?—Yes, Dr. Greenhow.

10,861. Were you all those days handcuffed behind?—I was.

10,862. Were you handcuffed behind the two days in the cells at Millbank?—No, handcuffed in front.

10,863. In front?—In front.

10,864. Not with handcuffs behind?—No.

10,865. Then you were only 35 days with the handcuffs behind?—In Millbank you asked me now.

10,866. I understood you to be 37 days altogether handcuffed behind?—Yes, in this prison.

10,867. You said 37 altogether?—Yes, 35 first, consecutive days until the order to give me bread and water, and then I told you of my turning the tap.

10,868. A new offence for which you got two days?—Thirty-seven days altogether with the hands behind the back.

10,869. (Dr. Lyons.) Is this paper it is distinct and clear: "Days with hands behind the back 37; "two days and two nights' with hands tied in front in Millbank"?—Yes, Mr. Lyons.

10,870. (Chairman.) Just give me again the date of the letter which you think the governor has been from your wife?—It is some date preceding October '65, my lord.

10,871. We will ask for it. Some time in October?—October or preceding October. It might be September. I believe I got a letter from her dated August. It might be August. The only thing now, my lord, is to submit to you the request about a further visit.

10,872. There will be no difficulty about it. We have not forgotten it?—I bid my adieu to the whole room, my lord.

The prisoner withdrew.

Dr. Burns recalled.

10,873. (Chairman.) What is O'Donovan Rossa's present weight, Dr. Burns?—154 pounds; the lowest he has ever been.

10,874. You weighed him just now?—I did, my lord.

The witness withdrew.

The Commission adjourned.

No. 3, Parliament Street, London, Thursday, 26th July 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

STEPHEN E. DE VRIES, Esq.
DR. LYONS.

DR. GREENHOW.
W. SPENCER OLLIVANT, Esq., Secretary.

Capt. De Cans.

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CAPTAIN DE CANS recalled.

10,875. (Chairman.) Captain De Cans, there are one or two questions which the members of the Commission wish to put to you. Do you produce the letter which you have received from Portland Prison, enclosing a certain document which was intercepted, having been sought to be sent out surreptitiously by O'Donovan Rossa.

10,876. Will you be kind enough to hand it in if you please?—There is not only a letter but a book

and various other documents. (Hands in a small packet.)

10,877. It is addressed to me?—I put that address on it myself.

10,878. You hand this in?—I hand that in.

10,879. (Dr. Lyons.) The "separate cells book," the "governor's journal," and another book, appear to have been sent from Chatham Prison to Parliament Street to your department, and to have been there for several months?—I never heard of such a thing

before. The "separate cells book" sent to Parliament Street.

10,880. So I was given to understand; an old separate cells book?—When was it sent?—I am not aware of it.

10,881. (*Dr. Greenwood*) It is said to have been there several months?—I have some kind of recollection now of hearing something said about it.

10,882. (*Dr. Lysons*) The books were sent back on the 20th of July this year, having been sent up to London, to the best of my recollection, about the 16th or 18th of August '69?—The 18th of August I was away, and that would account for my not knowing that they were sent up.

10,883. From somewhere about the 18th of August '69, until the 20th of July 1870, the separate cells book, the governor's journal, and the chief warder's book were sent from Clatham Prison, as I was given to understand to the central office in London?—Very likely. I am not aware of it. I was away at the time you say it was sent up.

10,884. We have found in these books, and especially in the book now before me, which is the separate cells book, and covers the months of June, July, and August 1868, certain entries with regard to the handcuffing of O'Donovan Rossa, treason-felony convict, and I observe that in this and the other books very large and conspicuous marks are placed opposite the dates on which O'Donovan Rossa was reported to have been handcuffed. I wish to put this book into your hands, and to ask you if you know by whom, or when, those conspicuous crosses were placed in that book?—I do not know who made the crosses, but I can probably imagine, because the allegation of the handcuffing of O'Donovan Rossa was one which some questions were asked about, and some statements made. A question was asked, I believe, in the House of Commons, and the facts of the case had to be investigated. We had to report in the prison's department. I have no doubt that in consequence of that the person who undertook to do it might make those marks. I do not know that as a matter of fact, because I did not know that the book was in Parliament Street. I do not know that those marks were made in Parliament Street. Whoever the director happened to appoint examined this book, and examined or had examined all the entries that bore on the case, and probably any other case that had to be inquired into, and in doing so I think it is very likely these marks were made, so as to see what was to be extracted.

10,885. It would be important if you could tell us who in Parliament Street had custody of those books?—I will. I will inquire as to that.

10,886. And also if you could help us to ascertain at what date those conspicuous marks were made in this and the other books?—Yes, I will.

10,887. What officer in Parliament Street would be officially in charge of those books?—Probably the director might have sent for them. I do not know who sent for them as I was away, but it is very likely it was Mr. Fagan, the director of the prison.

10,888. Major Fitzgibbon on or about the 18th of August is reported to us to have been telegraphed for, and to have taken the books away to Parliament Street?—Who telegraphed to him.

10,889. That I cannot tell you?—Probably it will be in the governor's journal.

10,890. The governor's journal is not here. There is an entry which Mr. Bates found stating that the books were taken away. Will you be kind enough to ascertain in whose custody those books were, and who is responsible for the marks made in them in this conspicuous manner?—Are there any other books besides those named?

10,891. The "separate cells book," the "governor's journal," and the "chief warder's occurrence book," on or about August 1869?—Who got the books, who made the crosses, and at what date; who retained custody of the books, and at what date the

marks were made. That I undertake to inquire into.

10,892. And particularly at what date the books were examined and the crosses made?—At what date, and who retained custody of those books until they were returned.

10,893. On or about the 20th of July 1870 to Clatham?—And particularly at what time the crosses were made. Yes; I will ascertain that.

10,894. (*Dr. Greenwood*) Captain Du Cane, will you turn to June the 17th in that book, if you please, and look at the entry under O'Donovan Rossa's name?—"17th of June, handcuffs removed from behind by order of the governor."

10,895. (*Dr. Lysons*) Look at the top of the right-hand page?—"J. O'D. Rossa placed in handcuffs behind by order of the governor."

10,896. (*Dr. Greenwood*) Look to the next entry, at the end of that day?—"J. O'D. Rossa handcuffs removed from behind by order of the governor."

10,897. Go to the bottom of that page?—"J. O'D. Rossa replaced in handcuffs by order of the governor."

10,898. Reading that note as you see it there what is implied by that replacing of the hands in handcuffs by order of the governor?—In the ordinary way, if you mean referring to the point, I should infer that he was put in iron, but in front.

10,899. Not behind?—Not behind, I should say.

10,900. That is your opinion?—That is my opinion. I should read it in that way.

10,901. You find on looking there that he was in handcuffs a great number of days, and that each day he was put in handcuffs in the morning and unchained at night. The fact is always stated in the same terms, but there is this difference, namely, that on the 17th of June it is stated, "handcuffed behind by order of the governor," and in the second entry that they were removed. You infer that on the following day, the 18th, when the entry is made, "handcuffs replaced," that that implies "replaced in front"?—"Replaced in front," I should say so.

10,902. (*M^r. De Fane*) Captain Du Cane, as a matter of fact, if it should turn out that, on the 18th when the handcuffs were replaced, they were placed behind and not in front, would the entries in the book be accurate or not?—I should say they were inaccurate. They ought to specify behind. Certainly, anything that is not the ordinary course ought to be specified in the book.

10,903. If an order for handcuffing is made, and the duration of it is not specified, is it not limited to 72 hours?—You cannot put a man in for a specified time; you can only put him in to restrain him and so long as he requires restraint. You cannot say "I order that man to be handcuffed 72 hours." If he ceases to require restraint you take them off.

10,904. If as the chief warder states, an order for handcuffs can only last 72 hours, it must then be renewed by order of the governor?—A man cannot be in handcuffs at all under the governor's authority alone more than 72 hours. If the chief warder says that a man can be sentenced to 72 hours handcuffs, he says what is wrong.

10,905. (*Chairman*) Have you within a recent period, Captain Du Cane, found it necessary to issue from the director's office, rules as regards the entries that should be made under certain circumstances in prison books?—We have issued an order putting down in precise terms under what circumstances certain means of restraint were to be employed, and under what securities, and what record should be kept of each mode of restraint.

10,906. Was the issue of those rules deemed by you to be necessary in consequence of there having been a certain degree of laxity, both perhaps, as to the infliction of punishments of this sort, and also in recording them?—Not as to any laxity, but because it was found that there was no written code by which an officer could have a certain guide as to what was

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the proper practice. It was a matter of traditional custom in the service.

10,907. Had the introduction of those rules for one of its objects, the securing of a regular record?—The ensuring of responsibility in keeping the record.

10,908. (Mr. De Vere.) If the records in the book before you for the months of June, July, and August had been kept under the code you have just spoken of, would they have been different from what they are now?—I have not looked through this book, but I have no reason to say they would.

10,909. Was the new code published in consequence of a laxity in the keeping of the records?—It was published, because on investigating those things, I found that there were no written instructions at all, and I thought it a very desirable thing however we may act traditionally, that certain fixed rules should be laid down in a certain printed or written form to which they could appeal. That was the reason, and not because there was any laxity that I know of.

10,910. In the form in which the records have been kept in the book now before you, could you appeal to the evidence appearing on that book as evidence of fact, with respect to the infliction of any punishment or restraint?—I think so certainly, subject to the accuracy of the officers who made the entries in the book.

10,911. (Dr. Greenham.) Are handcuffs applied as a punishment?—No, certainly not.

10,912. For what purpose are they applied?—For restraint. That is one of the points very clearly laid down.

10,913. By whose order are they applied?—By order of the governor; but under certain circumstances, as for instance, if a man is out on the works and is violent, or in some way requires to be restrained, he is put then and there into handcuffs, just as a policeman would put a man in the street into handcuffs, and removed in. But when a man is in the cells, and requires to be restrained for some time in handcuffs, it is only done by order of the governor.

10,914. Must the governor see the prisoner before he orders the handcuffs?—I do not know that he is bound to do that. No.

10,915. Let me put a case. It is possible that a warder finding a man violent should send another warder to the governor to inform him of the circumstance, and that the governor would send an order through that other warder to the warder who sent him, desiring him to put the prisoner in handcuffs?—Yes.

10,916. And do you think that quite proper?—Quite proper.

10,917. Handcuffs are not ordered as a punishment?—No.

10,918. A man who has his hands handcuffed behind his back for some days, would not be considered undergoing punishment?—No, it is not a punishment at all. He can release himself from it by behaving himself, in a very short time.

10,919. Then I understand that when a man is put in handcuffs behind, the moment he becomes quiet he is released?—I cannot say the moment he stands quietly that he is immediately released, but when the governor sees that he ceases to be violent, he will order him to be released. He is bound to do so.

10,920. (Mr. De Vere.) When a man is put in handcuffs by order of the governor sent through another warder, could he be retained in handcuffs a number of consecutive days without a fresh order given by the governor?—No. In the ordinary way he is released that night, I think.

10,921. Could a man be kept for a month in handcuffs?—No, the governor sees him day by day, or the deputy governor.

10,922. Could he on that original order be handcuffed for a month if he was in the separate cells?—

No, he cannot be in the separate cells for a month under the governor's order.

10,923. If there was a fresh order from the governor for the continuance of the handcuffs, should that order be entered as a fresh order?—Certainly it should.

10,924. In what book should it be entered?—The governor would enter it himself in his own journal. This separate cells book would have an entry of it. I am not sure whether the chief warder would enter it every time.

10,925. Would you run your eye over the entries in that book before you, and see if there may entry that the reimposition of the manacles was done "by order of the governor"?—I do not see any.

10,926. (Dr. Greenham.) Do you think the order for handcuffing at 5.45 every morning was made by the governor?—I would not undertake to say. As a matter of opinion I should say probably not, but there might have been some confidential order.

10,927. (Dr. Lyson.) I think you said that you did not see that book before?—I do not recollect having done so.

10,928. And of course you did not make those marks in it?—No.

10,929. Has a warder under any circumstances, the power of putting a man in the dark cell by his own authority?—No, certainly, he has to go to the governor.

10,930. And doing so would be a breach of the rules?—Certainly.

10,931. (Dr. Greenham.) Is a written order necessary to put a man into the dark cell?—I have seen a governor give a written order, but I do not think there is a rule instructing him to do so. He would enter it in his journal.

10,932. (Dr. Lyson.) Do you think you are in a position to speak to all those little details that fill more within a governor's duty?—Well, a governor should tell you more of things that have grown up in the service from 20 to 30 years, but I am quite sure of what I tell you of the placing on and removal of handcuffs, and the dark cell and so on. They have no power of doing them of their own accord.

10,933. (Mr. De Vere.) Perhaps you could explain, Captain Du Cane, how it is that you may have an entry of a case being heard before a director, and of his making his award, pronouncing in fact his sentence on it, and that a record of that sentence does not appear to have been officially entered by the governor for a week afterwards. In this very case of O'Donovan Rossa for that assault on the governor, there is an entry in the book that he was tried. The director came down and adjudicated on the case on the 1st of July, and then that is not officially entered as his sentence in the prison books until the 7th of July?—The reason was this: I went down and tried the man myself. The offence was so peculiar that the punishment was a matter of discussion, and I referred it to the then chairman, Colonel Mordaunt, and perhaps the answer did not come down for several days. That would account for it, although I cannot without looking at letters tell you what was the interval. In fact the punishment was not decided as an award at the moment of trying the man. The decision as regards the award was made a recommendation to the chairman as to what should be done, and his final concurrence did not perhaps arrive down for a week.

10,934. I will ask you this further question, Captain Du Cane: If the punishment was finally approved of by the chairman on the 7th, and that the man was during that time and between that and the 20th in handcuffs, why was the commencement of his punishment not made to date from the reception of the sentence, why was it deferred?—I do not at the present moment know what the punishment was. It would be difficult for me to say without knowing more of the circumstances than I now recollect. But supposing a man is now under punishment, under a

sentence of 20 days' separate cells, or whatever it is, if I come down and sentenced him to a further period it would not be concurrent with the other. Therefore any punishment would not actually commence until the expiration of the other one. Whether that will explain this or not I cannot say.

10,935. (*Dr. Lysons.*) Captain Du Cass, you tried O'Donovan Rossa on the 1st of July 1868?—Yes.

10,936. Did you see him in person on that day?—Oh, certainly.

10,937. Was he in handcuffs when you saw him that day?—I cannot recollect at this distance of time.

The witness withdrew.

Captain POWELL examined.

10,942. (*Chairman.*) Captain Powell, you are at present I believe one of the inspectors of prisons?—Yes, my lord.

10,943. You were at one time governor of Chatham prison?—Yes, for nearly 10 years.

10,944. Between what dates?—My appointment commenced on the 1st day of March 1860, and my present appointment dates from the 22nd of December '65.

10,945. During the time that you were governor of Chatham prison, were any of the treason-felony prisoners under your charge?—Yes.

10,946. Amongst them was O'Donovan Rossa?—He was.

10,947. Do you recollect the month of June 1868. In that month I think he committed an assault on you?—He did so.

10,948. Will you state the circumstances please, or anything that led to it?—I was simply visiting his cell to inquire whether he had any complaints to make, and without the slightest warning he did his best to dash the contents of his chamber over me. Part of it went over my clothes.

10,949. Did he accompany the act with any expression?—I have no recollection of his using any expression. The officer who had opened the door shut it very hastily.

10,950. Was he at that time under report?—I do not recollect.

10,951. You do not recollect?—No.

10,952. Had you had occasion shortly before to place him under punishment?—Yes, he had incurred several reports not very long before.

10,953. He had several reports?—Yes.

10,954. And they placed him in punishment?—I believe some had placed him under punishment, and some had not.

10,955. You say that the door of the cell was shut after the assault was committed on you?—Yes, my lord.

10,956. Will you state what took place afterwards, so far as is within your knowledge?—In what respect, my lord.

10,957. What steps did you take in consequence of the assault?—None that day.

10,958. Nothing that day?—No.

10,959. That was the 16th?—I think it was.

10,960. What steps did you take on the 17th?—I was on leave on the 17th; I was on leave the three days following the assault. If it occurred on the 16th—I speak under correction—I was on leave the three following days, the 17th, 18th, and 19th.

10,961. Whom did you leave in charge of the prison?—Captain Harvey. He is now governor of Portsmouth prison; he was then senior deputy governor at Chatham prison.

10,962. You made no order at all?—I did so far as this, that the evening previous to my going on leave, Captain Harvey represented that Rossa was in a very excited state and wished to know what steps had better be pursued. I said as that was the case he must be placed in handcuffs. He then asked

10,938. Can you not recollect whether he was or was not in handcuffs on that day?—I cannot.

10,939. Can you say whether you were informed or not that he had been in handcuffs from the 17th of June to the day you saw him inclusive?—I suppose if I was informed of anything in the way of complaint that I should have noticed it, but I cannot recollect at this moment anything about it.

10,940. Can you not now recollect whether he was in handcuffs when you saw him on that day?—I cannot.

10,941. Have you no recollection one way or the other about it?—No, I have not the slightest recollection whatever. I cannot say anything about it.

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should the handcuffs be placed before or behind, and I told him to use his discretion on that point.

10,963. You gave no order on that point?—I told him that he had my authority to use his discretion; nothing more than that.

10,964. Did you limit the exercise of that discretion to any period?—I did to the day time only.

10,965. I mean as to the number of days?—No.

10,966. You did not limit him as to the number of days?—No.

10,967. That was all that you did before your return?—That was all.

10,968. When you came back did you take any further step?—No, I did not interfere in any way. The case had been reported to the directors and I expected one of them down day by day to adjudicate on the case. I took no further steps; I did not even visit the prisoner.

10,969. I was just going to ask you that. Did you not visit the prisoner?—No, I did not think it a desirable thing to do so, as the assault had been committed on myself; the case was in the director's hands and I allowed my deputy governor to visit him.

10,970. You returned three days after the assault had been committed?—I did, my lord.

10,971. Would that be on the 19th or 20th?—It would be on the 20th.

10,972. Then do I understand that you neither gave any further order on the subject, nor saw the prisoner until the 1st of July when the director came down?—I have no recollection of giving any order, and, further than that, I did not see the prisoner when the director came down, for I asked the director as a favour to allow the senior deputy governor to accompany him that I might not interfere in the case.

10,973. There were other witnesses to the assault than yourself?—Yes, the officer attending me was there.

10,974. His evidence I presume was taken?—Yes, it would be taken in writing.

10,975. Then after that trial was concluded by the director, did you take any steps?—No; I did not.

10,976. Did you see the prisoner again?—Not till I read him his award, which did not come down for a considerable number of days.

10,977. Can you tell me about what day the award came down?—To the best of my recollection it was quite a month after the assault had taken place.

10,978. (*Dr. Greenock.*) That award was sent by Colonel Henderson on the 7th, and did not take place until the 20th?—You are quite right, sir, but the sentence was carried out the morning I received the award from Parliament Street.

10,979. (*Chairman.*) Then do I understand that you did not see the prisoner between the time of the assault and the 20th of July, at any time?—No, not until whatever day it was that the award was received.

10,980. Then you cannot give us any information as to the state of the prisoner in the interval?—Not from personal knowledge, I cannot.

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10,981. Captain Harvey can, I suppose?—I presume so, my lord.

10,982. (*Dr. Greenwood.*) Do you think the warden slammed to the cell door after the assault was committed, or that the prisoner did it?—I do not feel confident. I was so astonished and so unprepared for anything of that sort, that I recoiled back so the door was shut. I could not tell you whether the prisoner or the officer slammed the door with perfect certainty.

10,983. I asked you the question because you said, in answer to Lord Devon, that the warden slammed to the door?—I believe I did, but I feel a slight doubt about it; I could not be perfectly certain. I was taken so much by surprise.

10,984. (*Chairman.*) You do not know of your own knowledge whether the prisoner was in handcuffs the whole time, and if so, whether he was handcuffed before or behind?—Not from personal knowledge.

10,985. (*Mr. De Vere.*) When you said, Captain Powell, that you left Captain Harvey to use his discretion as to the use of the handcuffs, did you mean that you left him to use his discretion as to the handcuffing generally, or merely as to whether it was to be behind or before?—Behind or before.

10,986. That was the matter you left to his discretion?—I left the handcuffs altogether to his discretion to a certain extent, but the principal thing I left to his discretion was, whether the handcuffs were to be behind or before.

10,987. Did I understand you correctly as saying, that if he should think fit to put on the handcuffs behind, you in that case allowed him to do so in the daytime only?—Whether he put them on before or behind, I limited him to the daytime only.

10,988. That limitation would apply to the handcuffing, either behind or before?—It would.

10,989. Did Captain Harvey inform you on your return in what way he had carried out the order?—I have no recollection that he did. You must remember it is a very long time since.

10,990. I can only ask you as to what you recollect?—Not expecting any inquiry, I really felt great difficulty in replying with any degree of certainty.

10,991. (*Chairman.*) Would it be a matter of prison duty to have done so?—I am not sure that it would, as a matter of course.

10,992. I presume it would be the duty of the deputy governor to record the fact of the punishments he imposes?—Yes, my lord.

10,993. But it would not, I gather from you, be his duty to report to his superior officer on the return of that officer, what punishment he imposed in the manutention?—Not necessarily.

10,994. (*Mr. De Vere.*) You say that the next time you saw the prisoner was when you read out that award as to his punishment. When was that?—The morning that I received the punishment, but I could not tell you now the day.

10,995. (*Dr. Greenwood.*) The prison record is not accurate. It says the 28th.

10,996. (*Mr. De Vere.*) When you read him that award were you made aware that he had been in irons from the time of committing the assault until the day that you read the award?—I was aware that he was kept in irons in the daytime.

10,997. During all that time?—I was, but they were not kept on during the night.

10,998. Not during the night?—Not to the best of my belief, though I do not know by personal inspection.

10,999. What number of consecutive days were you aware of his being in irons?—Until the reception of the report, and they were then taken from him; that is, he was taken out of them as soon as the report was read.

11,000. Can you fix the day when you read that report?—I cannot, but the records of the prison, I am sure, will point it out.

11,001. (*Dr. Greenwood.*) The handcuffs were off two hours and a half one day, the 26th?—I think I can tell you the reason of the handcuffs being re-

placed; he set to work to destroy his cell furniture the moment they were taken off.

11,002. Look at that entry of the 17th of June respecting O'Donovan Rossa, and read it?—
"O'Donovan Rossa placed in handcuffs behind by order of the governor."

11,003. Look at the end of the same day?—
"O'Donovan Rossa's handcuffs removed from behind by order of the governor." That must have been by order of the governor acting on the 17th: I was not there.

11,004. Look at the entry on the following morning and read it, if you please?—"By order of the governor." Perfectly true; but that should be the governor acting also.

11,005. That is not the point. The point I wish to ask you a question about is, do you understand by that entry at 5.45 on the morning of the 18th, that the handcuffs were placed behind or in front?—This question has been very intimately inquired into, and the first query that came down was to know how long Rossa had been in handcuffs behind.

11,006. Excuse me for interrupting you. I want to learn from you what your impression would be, seeing that book?—That it was not behind, my impression would be.

11,007. (*Chairman.*) On what would you form that impression?—Simply because it was not inserted in this book "behind."

11,008. You think that in every case in which the irons were placed behind the word behind would be inserted?—It ought to have been.

11,009. Supposing there was any evidence admitting that for three days the handcuffs were placed behind, you would expect to find it in that book?—I should.

11,010. (*Mr. De Vere.*) If you found that he was admitted to have been handcuffed behind the book three days without having an entry made to that effect, would you not conclude that the same inaccuracy might pervade the whole period of the transaction, even the whole 35 days?—Such a thing might possibly be so if there was no evidence to show to the contrary, but it is not probable. Any inaccuracy might occur.

11,011. But would the fact of finding that an inaccuracy had occurred for the first two or three days, raise in your mind a suspicion that the inaccuracy had also continued for 35 days during which similar entries appear to have been made?—That is a very difficult question to answer, there might be an inaccuracy in any part of the book if there is an inaccuracy in one case.

11,012. You spoke just now of having received queries about this transaction; when did you receive them?—I think it was about a year afterwards.

11,013. When did you first become aware that O'Donovan Rossa had been treated on any way or another for a very considerable period?—I was aware and I believed him to be handcuffed during the day, from the time he committed the assault until his sentence was read.

11,014. That would be from the 17th of June until on or about the 20th of July?—According to the book. I think it said his handcuffs were removed on the 20th, in the middle of the day.

11,015. (*Dr. Greenwood.*) Yes, but they were put on again?—They were put on again because he commenced mauling his cell furniture.

11,016. (*Mr. De Vere.*) I asked you, when did you become aware of the fact that he had been continuously handcuffed one way or another, before or behind, from the 17th of June until about the 20th of July?—I was aware of it at the time, but I did not personally see him.

11,017. May I ask you this question; whether you communicated that fact to the higher authorities when the question was asked?—When the question was asked me?

11,018. When you were interrogated as to the mauling?—You mean a year afterwards.

11,018. You?—It was from the higher authorities I got the order to inquire into it.

11,020. Yes, and did you then communicate the fact that O'Donovan Rossa had been handcuffed from the 17th of June until about the 29th of July?—The question was asked for the purpose of informing Mr. Bruce, I believe, and the step I immediately took on being asked how long he had been handcuffed before and behind, was, to call in the warden who had been in charge of the cells, who informed me that he had only been handcuffed behind for one day.

11,021. (Chairman.) What warden was that?—Warden Brown. I said to him, "Are you certain of this?" he said, "I feel so, sir, but I will go and fetch my book." This very book was produced to me. I saw that he had been handcuffed behind the first day, and that there was no further entry of his being handcuffed behind. Therefore I never doubted the warden's statement.

11,022. (Mr. De Vere.) At the same time that you communicated that he was only handcuffed behind for one day, did you also communicate that he had been handcuffed in front for a continuous period of 34 or 35 days?—To the best of my recollection I did, but only during the day.

11,023. (Dr. Lyons.) Captain Powell, you have just stated that you have examined that book before in reference to this very question?—I did.

11,024. You may remark there that there are conspicuous crosses, opposite the entries of the handcuffing of O'Donovan Rossa?—There are.

11,025. Were these marks there when you examined the book on a former occasion for the purpose you have stated?—They were not.

11,026. They were not?—They were not.

11,027. Did you make those marks on that occasion?—No, I did not.

11,028. Do you know who did make them?—To the best of my belief, either Mr. Fegan or Captain Stepford, for they both made inquiries afterwards.

11,029. Afterwards; subsequent to that time?—Subsequent to that time, but I cannot say positively that they either of them made those marks.

11,030. Did they make those inquiries on two separate and several occasions?—They did.

11,031. Captain Stepford made an investigation on one occasion and Mr. Fegan on the other?—Yes, Mr. Fegan's was the first.

11,032. (Chairman.) Mr. Fegan's was the first?—Mr. Fegan's was the first, my lord.

11,033. (Dr. Greenhow.) When you were applied to on this subject did you send in a written report?—I sent a telegraphic report to the best of my recollection. The question came by telegraph in the first instance but I afterwards sent in a written report.

11,034. Can we have a copy of that report?—I have no doubt of it.

11,035. Where could it be procured?—At 44, Pall Mall Street.

11,036. (Chairman.) Did I understand you, Captain Powell, correctly to say some time ago that if O'Donovan Rossa was handcuffed behind his back on any day subsequently to the first day, the 17th of June, that that ought to have been distinctly put in the book?—It ought.

11,037. And if it was not so put in the book it was a fault on the part of the officer who kept the book?—It was.

11,038. That is quite clear?—That is quite clear.

11,039. Now who kept that book at that time, could you tell me?—I do not know whose handwriting it is, but it can be very easily ascertained.

11,040. Whose duty would it be to keep it at that time?—Sometimes the principal officer is charge, and sometimes the warden is charge.

11,041. Who would be the warden in charge at that time?—Who kept this book?

11,042. Was it Warden Brown that kept that book?—I cannot swear that it is in Warden Brown's hand-

writing, but it can be very easily ascertained. The handwriting must be known in Chatham Prison.

11,043. Whoever was in charge of the prisoner, however, ought to have entered in that book that the handcuffs were placed behind if he was so manacled?—It has always been the custom to do so, and I think you will find in this book other entries where it has been entered as being behind.

11,044. Not very frequently I think?—No, it is only in extreme cases that the handcuffs are placed behind.

11,045. When a man is put in handcuffs in the manner that O'Donovan Rossa was, is it done as a punishment?—No, merely as a restraint.

11,046. Does the application of handcuffs go on from day to day when the governor orders it for one day, without any fresh order?—It would not unless it was so ordered. The governor can put a prisoner in handcuffs 72 hours consecutively without taking them off if he likes, but he could not keep them on consecutively beyond that period.

11,047. As a punishment 72 hours?—No, as a restraint.

11,048. Merely as a restraint?—Merely as a restraint for violence.

11,049. Looking at that book you observe, under date the 18th of June an entry at the commencement of the day, what is the entry?—"18th of June, 'J. O'D. Rossa replaced in handcuffs by order of the 'governor'."

11,050. At what hour?—5.45 a.m.

11,051. Do you think the governor had made the order at that hour in the morning?—No, no doubt he was ordered until further orders to be kept in handcuffs.

11,052. Then the order to put him in handcuffs would be the order given on the previous day, which we see entered on the 17th?—No doubt about that.

11,053. That order is to put him in handcuffs with the hands behind?—It is.

11,054. Then do you suppose that the governor in giving that order would say, "O'Donovan Rossa is to be put in handcuffs to day with his hands behind his back, and is to be placed to-morrow morning, and every subsequent morning in irons with the hands 'in front,' or that he would simply say, 'put him in handcuffs behind daily'?"—It is possible that he would say, "put Rossa in handcuffs behind to-day" and you need not place them behind to-morrow if "he is better conducted."

11,055. (Dr. Lyons.) This was a very violent offence which the prisoner committed against you, was it not?—It was an offence that I presume the directors would consider a case for flogging in most instances.

11,056. Was there anything to lead him in any way into a state of irritation, or anger, or loss of control of himself?—Not that I am aware of, except that he was in a chronic state of violence, and had been so for days and weeks before.

11,057. Now I think if you look at that book that you will find he was nearly under prison punishment from the 1st of May to the 16th of June?—I think it is very probable.

11,058. Were those offences, for which he was so long under punishment, of a very grave character, do you remember?—I cannot tell you, but the records of the prison will tell you the exact cases, every single case.

11,059. We are quite aware of that. On those occasions of constantly ordering him punishment, did you slight him, or use any language that he could take offence at as a high-spirited man?—I have no recollection of doing anything of the sort.

11,060. Did you speak to him in an angry tone?—It never was my habit to do so to any prisoner.

11,061. You do not remember anything of the kind?—I have no such recollection whatever.

11,062. Were there any means tried with this man in this long period from the 1st of May to the 16th of June, of inducing him to better conduct, than sentencing him to bread and water time after time?

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—I think when he was brought up I might have said, "I am very sorry to see you here again," or words to that effect. I very frequently have said so to prisoners, and have also said that I hoped they would turn over a new leaf. It was my habit to say words to that effect also to the prisoners. Whether or not I said so to Rosen I could not tell you.

11,063. Do you think that this perpetual system of recrimination to brand and water time after time, is a measure that in your experience has much influence on prisoners?—Upon some it has, and upon some it has not.

11,064. Some it has, and some it has not?—Yes.

11,065. Have you observed it to irritate the minds of men rather high-spirited and to lead them to become more obstinate and defiant, as punishment was continually heaped on them?—I have known men appear almost callous to any punishment.

11,066. Did O'Donovan Rossa exhibit any violence in your presence on any of the occasions between the 1st of May and the 16th of June previous to the assault?—Not in my presence.

11,067. Did he use any impertinent or improper language towards you on any occasion between the 1st of May or the 16th of June?—I have no recollection of his doing so.

11,068. Was his manner offensive, or his language intemperate towards you?—His manner was sometimes offensive, whether between that time or not I cannot tell you; when he was brought up before me he would frequently fall back in an offensive manner against the wall.

11,069. I am referring to this particular time?—That I cannot recollect, but I have known instances of his being brought up and falling back against the wall and looking perfectly careless of what was said to him.

11,070. Did Captain Harvey report to you in any way how this prisoner had been handled in the interval of your absence from the prison?—I have no recollection of it, but I should be sorry to say he did not.

11,071. You cannot recollect that you made any inquiries yourself as to what had been done to the prisoner who had committed so serious an assault?—Though I do not recollect doing so, I very little forget that I did.

11,072. Then you have no recollection that it was reported to you as an unusual thing that he was several days handcuffed with his hands behind his back?—No; I have no recollection of that.

11,073. You have no recollection of it?—I have no recollection of it.

11,074. Did you devolve the entire responsibility of this handcuffing on Captain Harvey?—No; I told him he had my authority to act as he thought best.

11,075. Therefore the responsibility in reference to it rested on him. Was not that so?—It was a divided responsibility I think.

11,076. Well, I understood you to say that you had not seen the prisoner after your return?—No; I had previous to going on leave authorized Captain Harvey to put him in irons behind if he considered it desirable.

11,077. I now ask you do you hold yourself in any way responsible for the manner in which O'Donovan Rossa was manacled after your return to the prison?—Yes.

11,078. You are in some manner responsible for the manner in which he was handcuffed?—I should consider myself so, after I had returned to the prison.

11,079. I now ask you can you remember whether any orders were given by you, or any authority given by you, with regard to the mode in which he might be handcuffed?—That is just the point I should be extremely glad to be able to answer you, but I cannot recollect.

11,080. Still you share the responsibility of the acts whatever it may be?—Certainly, on my return.

11,081. I mean that; on your return?—Certainly. I do not shrink from it at all.

11,082. You saw him on some day that we cannot

for the moment fix, but that was probably the 17th or 20th of July, when you read to him the sentence of the director, did you not? I do not fix you to the date, but merely to the fact that you saw the prisoner. Did you read the sentence to him in person?—I believe I did. I said I did before, and I believe I did. I cannot swear to it.

11,083. But you think you did?—I merely said so, because it was my custom to read the sentences to all prisoners, but whether I made an exception in his case I could not be certain; I did not wish to interfere with him at that time, and it is therefore possible I might not have done so. I can only tell you that it was my custom almost invariably to read the director's sentences to the prisoners.

11,084. Still you think you did see him and read the sentence to him?—My impression is I did, but I could not swear to it.

11,085. Can you remember whether when you saw him he was in irons or not?—No.

11,086. (Chairman.) You cannot recollect?—I cannot.

11,087. (Dr. Lyons.) You cannot recollect whether or not he was in irons?—I cannot.

11,088. Can you recollect whether he had the irons on in front, or is it possible that the hands might have been behind his back ironed, and that in that way not seeing them you fail to remember it?—I do not think that if I saw him they could have been behind his back without my observing it, because such an occurrence would have struck me very forcibly.

11,089. You appear to have been cognizant that his hands were manacled in some way or other for a very considerable period up to this time?—I was.

11,090. Was it not something very unusual in your experience of prison discipline?—It was.

11,091. Have you ever known in your experience of prison discipline any other prisoner to have been so long manacled in any way?—No.

11,092. Never?—Never, not day by day.

11,093. I mean continuously?—He was not in handcuffs continuously.

11,094. Will you undertake to deny that he was manacled continuously?—I will undertake to deny it. He was not manacled continuously during the night.

11,095. I did not say any thing?—That was what I meant by "continuously."

11,096. I mean continuously during a long period covering many days?—No. It was quite an exceptional case.

11,097. No such case has occurred within your experience of prison discipline?—It was quite an exceptional case.

11,098. Would not the fact that it was an exceptional case make you naturally the more inclined to inquire closely into the exact details of the way in which this exceptional restraint was carried out?—I never doubted his being manacled before.

11,099. You never doubted his being manacled?—I never doubted that he was manacled with the hands in front.

11,100. Was it your impression that he was all this time manacled with the hands in front?—Certainly.

11,101. Then if it were to be shown that he was manacled with the hands behind during all this period, would it be contrary to what you desired or not?—It would.

11,102. Entirely contrary?—Entirely contrary.

11,103. (Chairman.) You stated that before you sent up your report, about a month after this transaction, that you examined Warder Brown?—About a year afterwards.

11,104. Quite right. On that occasion did you examine any other warder?—I did not; but the chief warder was present.

11,105. Is that Allison?—No, Chief Warder Turner. Chief Warder Turner was present when I saw Mr. Brown, and he felt no more reason to doubt his statement than I did.

11,106. You did not examine any other warder?—

I did not; Warden Brown stating what he did, and the books confirming it, I did not consider it open to question.

11,107. Do you consider the omission of the word "behind" in all the entries subsequent to the first shows that the murders were put on in front?—I should consider that he had not his manacles on behind more than the day so stated.

11,108. Supposing evidence shows clearly that he had his hands behind him three days, there is an omission in those entries?—There is.

11,109. (Mr. De Vere.) And the omission in all the entries up to the 20th would be the same as the omission these first three days?—If he was manacled behind during all that period, it would be so.

11,110. (Dr. Lygon.) I believe a marked change took place in O'Donovan Rossa's conduct in the latter end of '68?—Most marked.

11,111. To what do you attribute that marked change?—To Captain De Caze. O'Donovan Rossa had incurred a very considerable number of reports for outrageous conduct, and I had referred the cases for the director's consideration. When Captain De Caze came down he spoke to him, telling him how foolish he was, and further using words to the following effect: "You have incurred a great number of reports; if I let you off entirely will you turn over a new leaf, and let bygones be bygones?" Rossa considered a little bit, and then said he would, upon which Captain De Caze shut up the book.

11,112. And subsequently to that?—His conduct was very good.

11,113. Then is it the fact that kindness and consideration shown to him in this way have infinitely more effect than any amount of punishment on former occasions when day by day collected on him?—There can be no doubt about it in this case.

11,114. (Mr. De Vere.) On receiving those reports of outrageous conduct on his part, by whom were they made?—The records will state, but I could not tell you.

11,115. I do not mean the individuals?—Those reports are in writing.

11,116. Were they made by the warders?—Yes, and sent up in a written report by me to the director.

11,117. Did you in any case receive a request from him to take the evidence of any of his fellow-prisoners in order to rebut any statement made by any of the warders?—It is very possible, but prisoners' evidence is not allowed.

11,118. Is there any rule that would prohibit you from taking a prisoner's evidence in any case in which you might think it desirable yourself?—I have never done so. I have never taken prisoners' evidence.

11,119. Is there any rule that would make it improper for you to take a prisoner's evidence?—Such a course would lead to confusions amongst prisoners; it would not be advisable.

11,120. I beg your pardon. You are only stating your own impression. May I ask you again, is there any rule from superior authority which would prevent your using it?—I cannot say. It is certainly not customary. I have never done it myself, and I have never seen it done by any governor.

11,121. Do you remember a case in which a dispute arose between O'Donovan Rossa and a warder about putting out the daylight early in the morning when he wanted to read?—I recollect some of the treason-felony convicts telling me that the gas was put out very soon in the morning, and I inquired into the case, and found that it was kept lighted in their cells longer than in any other part of the prison; but at the same time I told the warder not to be too sharp upon them.

11,122. Do you recollect that on that occasion some scolding took place between them, and that O'Donovan Rossa said "Get out" to the warder, and was reported to you for doing so?—I do not recollect the case, but it is very possible that there was such a case; if so, it is in writing; but I do not recollect the case.

11,123. If the facts were reported to you exactly as I have described them; if he was reported to you for insolence for saying "Get out" to the warder, under those circumstances would you think the punishment of two days' bread and water in a dark cell proper punishment for such an amount of insolence?—It is very necessary to punish insolence severely in a convict prison. Insolence if unpanicked leads to untold evils.

11,124. (Chairman.) Therefore we are to infer that you would not think that punishment too severe?—It would depend very much on the previous character of the man. With a well-conducted man I should think it a severe punishment.

11,125. (Mr. De Vere.) If on that occasion, Captain Powell, the prisoner complained that he had been excited by previous insolence, or bad language, addressed to him by the warder, and if he called on you to examine other prisoners as to that fact, would you in such a case think yourself right in refusing to take the evidence?—I should be guided very much by the character of the officer. If he was an officer on whom I felt that perfect reliance could be placed, I should take his word entirely.

11,126. (Dr. Lygon.) Captain Powell, I find that in the interviews between the last of May and the 16th of June, when O'Donovan Rossa was so repeatedly under punishment, he was making application for additional books to read and instruct himself. Those books I believe were not granted to him?—There is only a certain supply of books granted to convict prisoners, and the chaplain distributes these books.

11,127. Those applications were not complied with I think?—It is very possible they were not. The distribution of books is in the chaplain's department, and he distributes what books he has in the most equitable manner he can, taking into consideration the wishes of the prisoners and the total number of books at his disposal.

11,128. Those applications show rather a studious disposition on his part. He applies on the 16th of March "to have his cell books altered;" on the 35th "to have a light source than it is allowed." He applies on the 30th "for extra library books," and on the 26th of April he applies "for leave to write to the Secretary of State to have more books;" and this is noticed as "not allowed?"—These applications would I have no doubt, be forwarded to the director.

11,129. All this is just before the period on which the violent conduct ensued. Is it not a good sign on the part of prisoners if they apply for books, and are studious?—I should say, generally speaking, rather good than otherwise.

11,130. On the 28th of May 1868 he asks "that when his books are next exchanged he may have two of Cassell's Educators instead of two of the 'educational books he now has.' This application is marked "Cassell is a library book, and not a cell book; only one library is allowed." I suppose that means only one library book?—Yes, only one at a time.

11,131. (Chairman.) How many treason-felony convicts were under your charge?—To the best of my recollection the number was seven.

11,132. Seven?—I think so.

11,133. Speaking generally, was their treatment different from that of the ordinary prisoners, and if so in what particular?—They were confined in more airy, larger cells, and I think they were as a rule treated less rigorously.

11,134. Can you give me particulars as to work?—If they did not do as much work as the other prisoners they were not generally reported for it. What other prisoners would have been required to do absolutely was not insisted upon in their case. If they were very idle they were reported.

11,135. As to diet?—The diet was the same for a considerable period, but lately it was more generous than the diet of the other prisoners.

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time for special cases. If I had an operation to perform I used to do it there.

11,170. This man was put in there?—He was put in there as a *Fazio* to keep him apart from the others. It is now used as a lavatory.

11,171. He was put into that room with two other *Fazio* prisoners, to keep them apart from the ordinary criminals?—Yes, my lord.

11,172. Can you state what you did when you first saw him and discovered the disease that he was suffering from?—I find my first remark is on the 12th, "Bowels freely moved; piles not down." That is my first remark.

11,173. He says that you prescribed gall ointment and small doses of castor oil every morning?—He had a variety of treatment at different times, but on that occasion I first prescribed five grains of calomel followed by a draught as emetic to his bowels.

11,174. (*Dr. Greenhow.*) What was the draught?—Just the common black draught.

11,175. Salts and scums?—Yes, and after that I ordered castor oil every morning.

11,176. (*Dr. Lyons.*) Do I understand that you ordered that on the 9th, or was it ordered by your assistant?—It must have been ordered by myself, for it is down here in my own handwriting.

11,177. (*Chairman.*) On the 12th?—No, my lord, I find it is on the 9th. The 12th is the first time I remarked on his case.

11,178. (*Dr. Greenhow.*) But you saw him on the 9th?—Yes, I saw him on the 9th, and ordered that on the 9th.

11,179. (*Chairman.*) Did he some weeks afterwards apply to you to discharge him from the room in which he was, and place him elsewhere?—I am not aware; I have no recollection of it.

11,180. He says that in consequence of that, he was placed in the bathing shed, which he describes as "an underground apartment with two water-closets and a urinal within three paces of the door"?—I have no recollection of that, my lord. I find that he was discharged on the 11th of March to give him more exercise; and the next time I saw him was on the 15th of May in the penal cell.

11,181. He says, "I told Dr. Campbell that the sitting in the shed would aggravate my disease"?—Yes.

11,182. He says you recommended more active employment?—Yes, and with that view I recommended him out-door labour.

11,183. He then says, "In a day or two after I was taken out of the shed, a bucket of water, brush and flannel given to me, and ordered to go to scrub the floors, flags, and boards of the prison. I saw Dr. C. again, and said I preferred sitting in the shed with my fellow-prisoners than on my knees scrubbing the floors, with no one but criminals for my companions." Did that pass?—I am not aware.

11,184. You do not recollect?—He was in the prison, my lord, this time I suppose.

11,185. He was in the prison?—He would not be under my care at that time.

11,186. Was your attention at that time called to any affection of the chin that he had?—Yes, my lord, he had that affection of the chin. He was treated for it and cured.

11,187. He was cured?—Yes.

11,188. (*Mr. Brodribb.*) What would you call the affection of the chin that he had?—It is called *gnoia*.

11,189. You immediately afterwards went away for six weeks' vacation, I believe?—That was the case, my lord. I find the entry is made by Dr. Wilson.

11,190. It was about June '67?—Yes, the 13th of June.

11,191. Can you tell us when you saw him after that?—I have got a remark on the 7th of July.

11,192. The 7th of July '67?—Yes, he then complained of passing blood. On examination I found a

little about the anus, but no protrusion; tongue coated; he said he had no appetite, and I then changed his diet.

11,193. He says, "the officer, Mr. Fry, told Dr. Campbell that I was not using my food, nor even the beef tea." Dr. Campbell said, "Not taking beef tea? I will give you mutton broth." What diet did you give him?—I put him on low diet, beef tea, two eggs and arrowroot, a pint of arrowroot made with sweet milk.

11,194. Who was Mr. Fry?—He was an officer at the time.

11,195. He says, "two days after this Mr. Fry told Dr. Campbell that I was not eating any food." I then told Dr. Campbell that I had not eaten anything for five days, I was beginning to make use of the arrowroot, and you take it from me and put me on second diet, I have no desire for food, please to give me low diet?—I find that on the 11th his diet was changed again to chop and potatoes.

11,196. (*Dr. Greenhow.*) The 11th of what month?—The 11th of the same month.

11,197. (*Chairman.*) July?—I have made out a copy of those details. You will see, my lord, that he has had a great many changes of diet at different times. (*Exhibit is a paper.*)

11,198. Did you give him any brandy?—I did not, but on the 26th of August he had three ounces of wine.

11,199. (*Dr. Lyons.*) On the 26th of August?—On the 26th of August.

11,200. (*Chairman.*) He says, "between two or three weeks after I told him my appetite was improving; that I could eat more bread." Dr. Campbell said, "I cannot keep you on this diet any longer." I replied, "If you do not think I require it take it from me; I would not beg my life from you or any one." Dr. Campbell then said to Mr. Fry, "take a note of this; you are a disappointed man." I said, "I have not expressed any dissatisfaction; I have a mutton chop, two eggs, half a ounce of butter, a pint of arrowroot, and eight ounces of bread daily. I asked you for another four ounces of bread, and you tell me that you cannot keep me on that diet." Dr. Campbell then said, "I will give you full diet, and half a pint of porter." I said, "I can't drink porter." Dr. Campbell then wrote "full diet" on the ticket and left saying to Mr. Fry "Take a note of this." In half an hour after this I was weighed, full diet weighed off the ticket, and the other put on again with "four ounces of bread extra." I do not see that I changed his diet. Up to the time of his discharge he was on low diet—chop and potatoes, two eggs, arrowroot, butter and extra bread.

11,201. What would the extra bread be?—Four ounces, my lord.

11,202. Four ounces added to eight?—Yes, my lord.

11,203. That would be 12 ounces altogether?—Yes.

11,204. You then, according to his statement, ordered a chair stool to be placed in the room for his use?—Yes, I did so, several times.

11,205. And that, he says, made the atmosphere impure?—I am not aware of his ever making any complaint of it.

11,206. He then comes to the time that Messrs. Knox & Pellock came here. He says, "I was taken to Dr. Campbell's office, where I saw Mr. Pellock, one of the commissioners, seated with Dr. Campbell. I had heard that Dr. Pellock was a medical gentleman. I begged that he would look at the piles and examine me. He was about to do so, when Dr. Campbell said something to Dr. Pellock in an undertone, and he declined to examine me."—Well, that is not the case, my lord, for I have a remark here on the 30th of May 1867, "Examined this man in my room along with Mr. Pellock, medical commissioner, and there was no sign of hemorrhoids or prolapsus."

Dr. Campbell
1 Aug. 1870.

Dr. Campbell.
1 Aug. 1870.

11,207. Was Mr. Pollock with you at the time?—
Yes, he came.

11,208. He was present at the examination?—At
the examination; he examined him along with me.

11,209. (Mr. Broadbent.) What date was that?—
The 30th of May 1867; Mr. Pollock came down a
second time to see that man. He inquired for him.
I sent for him. The man was brought into my room.
Then I examined this man in my room along with
Mr. Pollock, the commissioner, and there was no
sign of hæmorrhoids or piles.

11,210. (Dr. Lysaght.) Did Mr. Pollock see him on
a former occasion in your room?—I forget. I believe
these men were allowed to see the commissioners
alone. I do not know that he examined him.

11,211. (Chairman.) Was Roastree in the in-
firmery at the time?—No, my lord; I think he must
have been in the prison.

11,212. (Dr. Greenhow.) According to my notes
from his medical history he went out on the 11th of
April?—He must have been in the prison then I
expect. I found him in the punishment cells on the
13th of May and examined him there.

11,213. (Chairman.) Did you procure him employ-
ment to rake up grass after the mowers?—Yes, I
did; some light employment to keep him moving
about.

11,214. He says, "A very short time after, Dr.
Campbell discharged me from the infirmary. On
my discharge I applied to the governor, thinking
I would get the very suitable employment Dr.
Campbell told Dr. Pollock he had procured me. I
told the governor that sitting in the shed was very
injurious to me; I would rather be raking up the
grass after the mowers. The governor said he
had enough men raking up the grass. I could go
to the cleaning party?"—He was in the cleaning
party, my lord.

11,215. What were the duties of the cleaning
party?—Cleaning corridors, passages, &c., but only
their own beds.

11,216. And waterclosets?—And waterclosets.

11,217. And to carry the coals and coke?—Yes.

11,218. Was that employment in your judgment
one that was fitted for him if he had piles at the
time?—Yes, my lord; I should think perfectly fit
for him.

11,219. In the following December do you recollect
seeing him in a penal cell?—I saw him in a penal
cell in May.

11,220. He states, that for an offence "the
governor sentenced me to three days' bread and
water, and 10 days penal chain, and to lose some
number of marks, three days' bread and water,
three nights without a bed, and ten days on
little better than bread and water, to one in my
state of health in the inclement month of December,
was certainly no more or no less than a sentence
of death." Do you recollect whether you saw him
at the time?—I did he is discharged from the hos-
pital on the 9th of September, "much improved, and
he has not alluded to the piles for some time;"
but I have no recollection of seeing the prisoner under
punishment.

11,221. He says, "I told the governor that bread
and water, and bare boards to sleep on this cold
weather, would surely kill me. The governor said,
'Speak to Dr. Campbell about that; I have so-
thing to do with it.' Dr. Campbell came to the
door of my cell. The officer who opened my door
said, 'Have you any complaints for the doctor?'
I answered, 'Yes.' I told Dr. Campbell of the
change brought against me; that it was necessary
to put something on my legs besides the open-
worked stockings, from the blood I was losing; the
cold affected me very much, and one of my legs
had an old wound that I did not wish the frost to
get at. I told him of the sentence the governor
gave me, and said, 'two months ago you dis-
charged me from the infirmary; you saw that I

"was losing blood daily up to the day of my dis-
charge; I did not lose much then, for I could lie
down and had facilities for stopping it; I had
'better food; now I am losing much more blood
'for I cannot lie down when I want to get the
'piles in or stop the bleeding; I find from experience
'that the weaker I get, the more impoverished my
'blood becomes, the more of it I lose.' Dr. Camp-
bell said, 'Ah, you complain now, when you get
'into trouble.'" Do you recollect that?—No.

11,222. (Mr. Broadbent.) Perhaps it may clear it up
to mention that the punishment is entered here as of
the 22nd of November, but that it seems to have been
removed the same day by Mr. Fagan.

11,223. (Chairman.) December he says?—I
was not aware that the man had ever been on bread
and water.

11,224. Do you recollect seeing him in the cell?
—I do not recollect on that particular occasion, my
lord.

11,225. "He was turning away to leave me when
I said 'Please look at me, and you will see I have
reason to complain.' He looked at the pile, said,
'Shove them up,' turned on his heel and left me.
I was after telling Dr. Campbell that I was lying
stretched on my back for some time and could not
get them in. Dr. Campbell saw that they were
congested, and he knew or ought to have known
that it was impossible to shove them up."—Well
that is utterly untrue. I could never have made any
such remark. I invariably treated this man with the
greatest delicacy, the same as I would a lady. I
have got the certificate sent along with his state-
ment, if you allow me to produce it.

11,226. You quite understand that the reason we
ask you these questions is to give you an opportunity
of explaining them.—Yes, my lord. He alludes to
that in a statement sent up to the directors in 1869,
my lord; and this is the certificate that I sent up
also with it. I was truly astonished on reading the
statement made by this prisoner in the petition.
Until the petition was placed before me I had not
the slightest idea of any ground of complaint.

11,227. Would that apply to this expression?—
Yes, I alluded to it here:—

"Working Invalid Prison, January 28th, 1869.
"I have read over the statement of prisoner
Roastree to the directors, and can only express my
surprise that a man who has met with such uniform
kindness during the time he has been here, should be
capable of writing anything so exaggerated and
unpleasant. Never on any occasion have I been want-
ing in proper attention to his case; and the remark
that I on one of my frequent examinations told him to
"shove up his piles, and turned on my heel,"
thereby implying roughly roughness of manner on
my part, is a pure invention. I invariably treat a
sick prisoner the same as I would a delicate lady.
As the chief ground of complaint consists in being
discharged from hospital after being in from the 27th
of November to the 18th of January for piles, I
may state that he had not made any complaint for
some time, and there was no sign of disease when I
last examined him. His health at the same time
being robust, and his weight increased eight pounds
more than at the time of reception, I did not feel
justified in keeping him longer on the sick list with-
out some authority for doing so. He has also been
cured of the skin disease he alludes to. The com-
plaint of having to knit a stocking when on the sick-
list does not rest with me, as I had nothing to do
with it. Although he states he had to bathe himself
with his own urine for want of warm water when
not on the sick list, he admitted when in the
governor's office that he had never applied for it, and
the officer of the ward informs me he could have had
it three times a day." At the time that he complained
of being compelled to bathe himself in his own urine
on being discharged from hospital, as he could not
get water to wash himself, Dr. Wilson, to whom he

attended, begged to send up his statement along with mine. It was directed to Mr. Fagan:—

"Sir, Working Prison, January 23d, 1870.
"As prisoner Rountree has mentioned my name in his statement, and in a very unbecoming and invidious manner, I beg to inform you that during the time he has been in this prison I have had very little to do with him, although I have frequently seen him along with Dr. Campbell. I saw him when examined by Dr. Campbell on the 18th January. There was no sign of blood and no prostration, and the prisoner being in robust health was discharged from hospital. I wish also to state most emphatically, that I have never seen Dr. Campbell behave rudely or abruptly to him or to any prisoner, and it seems to me that this prisoner has made a direct attack on Dr. Campbell through me, to serve his own ends.

"I am, Sir, your most obedient servant,
"GEOFFREY WATSON, Assistant Surgeon."

11,228. Do you recollect his applying to you for something to be put on his legs? He says, "In November 1867, after the director released me from the cell, bread and water, and penal class, I waited on the governor and asked him for the old stocking legs he deprived me of. He said, if I wanted anything on my legs to protect me from the cold, I should apply to Dr. Campbell. I waited on that gentleman: he looked at my legs and ordered me a flannel bandage. I think he also sent me a powder to stop the bleeding as I supposed: it did not stop the bleeding. I wanted food and did not get it." Did that occur?—What was the date, my lord?

11,229. It was after November '67?—Then he was under my charge from the 9th of September until the 26th of March 1868 when he was admitted into the hospital. He was in the prison at that time, and he might have got anything at the surgery, by putting his name down in the "complaining sick list."

11,230. (Mr. Broadbent.) Would you kindly repeat these dates that you mentioned?—He was in prison from the 9th of September '67 until the 26th of March '68.

11,231. (Mr. De Vere.) The way in which he speaks of the transaction is this:—he says that in November '67 after he was released from the cell, bread and water, and penal class, he waited on the governor and asked him for the old stocking legs the governor had deprived him of, and the governor said he should apply to Dr. Campbell. He states that on that occasion he applied to you, and that you gave him a flannel bandage. Do you recollect anything of the circumstances?—It is quite possible. If I turn up the "complaining sick list" I would probably find there that he was ordered a flannel bandage; but he was not under my care at the time: he was in the prison.

11,232. (Chairman.) Have you that book at hand?—Yes, my lord.—(Fishes a book.)—I cannot find it here, my lord, but it is quite possible it might have been in the application book to see me. When prisoners apply for extra clothing or change of labour they generally apply to see me.

11,233. Will you turn, Dr. Campbell, to the 26th of March, and see if you have any record. Rountree says, "On the 26th of March 1868, I was unable to rise out of bed this morning from the pain in my joints."—The 26th of March '68; yes, my lord, I admitted him into hospital.

11,234. He says, "Dr. Campbell came, felt my pulse, said I had no fever, ordered me up, and a dose of opium and salts?"—Well, I find that he was re-admitted into the hospital on the 26th of March '68, "complains of pain in the loins, and piles; no prostration." I then ordered him calomel with opium.

11,235. How long did he remain in the infirmary at that period, do you know?—He was discharged on the 30th of April, my lord.

11,236. '68?—'68.

11,237. He says, "In April or May 1868, I was

"taken from the cleaning party and sent out to the new building and put to cut bricks along with two of my fellow-prisoners, Mr. Kicham and Mr. Dillon. The constant standing increased the pain in my loins. There was a cold, piercing wind too, which aggravated my disease, for the watercloset was but an open box; every time I went to stool the piles came down and got congested from cold. I suffered the most acute pain till I got to bed and 'got them in.' Were you cognizant of that at the time?—I am not aware, my lord. Prisoners have an opportunity of seeking me every morning. If they find the labour too hard for them, and if I think it necessary to do so, I recommend a change; but I have no recollection of his applying to me.

11,238. Do you consider it a part of your duty to originate a proposal to the governor to change the labour of a prisoner, though the prisoner should not make any complaint to you?—Oh yes; I invariably do so.

11,239. Knowing the disease which from time to time this man had on him, can you say, was the nature of the work to which he was put such as, under all the circumstances, you thought fit for him?—I think so, my lord. I never had the slightest reason to suppose that he, or any of the other treason-felony prisoners, had work that he was unfitted for. If they found the work too hard, I never understood that they were pushed in any way.

11,240. In your judgment as a medical man, was the medical treatment he received in connection with this affection that he had, such as you think calculated to mitigate his disease or to cure him?—Yes, I think so, my lord; and the best proof of that is, that he has not complained of his piles for a considerable time.

11,241. When was the last complaint made to you?—He is still under treatment in the hospital; but that is merely confined to get him change of diet. I recommended some time ago that he should go out, and it was then that he sent that statement to the director reflecting on me. A while ago I suggested that a little work would be beneficial. He at once went to the director and complained that I was about to discharge him from the hospital. I believe the reply of the director was, "It is time enough to complain when you are discharged." He has been allowed to remain in that cell ever since on a very liberal diet.

11,242. He is still in hospital?—He is still in hospital.

11,243. That implies no work?—No work; he has done no work for a considerable time, and I consider him one of the most robust men we have amongst our invalids; he is a most robust man.

11,244. (Mr. De Vere.) Amongst the invalids?—Amongst the invalids.

11,245. (Chairman.) He says, "The compounder, Mr. Wing, was always drunk, or stupid from drink, and would give me medicine out of any of the bottles 'on the counter before him.' Is Mr. Wing the compounder now?—He is left, my lord.

11,246. When he was here did he deserve the character given of him by Rountree?—Certainly not.

11,247. Was he a man in whom you could put proper reliance?—Yes, an excellent compounder.

11,248. Had he had a medical education?—He was a regular chemist.

11,249. You had no hesitation in trusting him to compound medicines?—A compounder never gives anything unless he is ordered by the assistant surgeon or myself.

11,250. Was he a man who, so far as you know, was likely to get drunk?—No, I think not, my lord.

11,251. Did you ever see him drunk?—No; on one occasion I thought him out of the way, and I reproved him, but I could not say he was drunk; he had a very peculiar nervous manner.

11,252. Did he resign his position here, or was he discharged?—He resigned, or rather was invalided.

11,253. (Dr. Greenham.) How long was he here. Dr. Campbell?—He was here several years.

11,254. Several years?—Several years.

Dr. Campbell.

1 Aug. 1870.

Dr. Campbell.

1 Aug. 1876.

11,255. (*Mr. De Vere.*) Was he obliged to resign?—I was not satisfied with him. I reported his conduct, but it was only on one occasion.

11,256. Was it in consequence of that he resigned?—Yes, I believe that was partly the cause of it, but he was in delicate health and suffering from bronchitis.

11,257. (*Dr. Greenhouse.*) How are Rosentre's piles now, Dr. Campbell?—He has made no complaint for some time.

11,258. When did you examine him last?—I have not examined him for some time.

11,259. Practically, he has been in hospital almost since he came here, has he not?—For a very considerable time, my remarks are much to that effect: "Nothing to report for a long time; he looks well, he is taking all his food, often out for exercise on my visit." He complained of a cough on one occasion I find.

11,260. What was the matter with him then; did you examine his chest at the time?—He merely mentioned it to Dr. Hoffman. "He told him that he was 'suffering from chronic cough; he then referred to 'the opinion that I had given yesterday;' that is, he complained that he was unfit for cleaning his cell, and I was sent for to the governor's office to know if he was in a fit state to clean his cell, and the following day he complained of cough; he had made no mention of it to me before.

11,261. He is quite free from bronchitis at present?—Quite free.

11,262. Has he lost much blood from the bowels since coming here?—At first he used to lose a little, but latterly not much, not to any extent.

11,263. Not so much as you have seen in other cases?—Just what is common in ordinary cases of hemorrhoids.

11,264. Do you know whether the hemorrhage was sufficiently copious to stain his linen?—Yes, it might be; it might be sufficient to do that.

11,265. But there was nothing unusual in its amount more than is very common in cases of hemorrhoids?—Yes.

11,266. Were the hemorrhoids very large?—There was a little protrusion of the bowel; a relaxation of the sphincter, and sometimes slight protrusion along with the hemorrhoids. The piles were not large in themselves, but they were sometimes attended with slight protrusion.

11,267. On examination of the hemorrhoids did you ever find active hemorrhage at the time of examination?—No active hemorrhage. There might be a little trace of blood about the anus.

11,268. No jerking stream of blood?—Never.

11,269. To his medical treatment you have not added any operative measures?—None; simply he has been using gull ointment.

11,270. You have not used the knife or caustic?—No.

11,271. The piles have got well with that treatment?—Got well.

11,272. How long do you suppose it is since he has suffered from piles?—I believe he suffers from them still, or is still liable to them. I believe that if his bowels got constipated he would suffer from them again.

11,273. How long is it since he has had anything like a fit of the piles?—It is some time now.

11,274. Can you mention the time?—May the 18th.

11,275. (*Chairman.*) Of what year?—May the 18th of this present year. May the 17th, "Nothing" as reported; has not made any allusion to the hemorrhoids for a considerable time." I do not see any remark after.

11,276. (*Mr. Bradrick.*) Did you consider it a bad case of piles, Dr. Campbell?—Not a serious case; just an ordinary case of piles. I never looked on it as a serious case. It was a case of some standing, and a fresh attack would recur by not maintaining his bowels. It would appear from his own statement that he suffered from piles before he got into prison, from the remarks made to Dr. Wilson had hemorrhoids some years ago.

11,277. Would you say on the whole that Rosentre has gained or lost condition since he came to this prison?—I certainly think he is improved.

11,278. (*Mr. De Vere.*) Did he tell you, Dr. Campbell, that he had suffered from fever and ague at Portland?—It is not recorded here, sir. It is not mentioned.

11,279. Can you tax your memory with his statement of it to you?—If he had made the remark it would have been entered here at the time.

11,280. Do you remember his objecting to the atmosphere of the cell in which he was placed here, that room that was afterwards a lavatory, and saying that it was likely to bring back fever and ague?—No, I have no recollection of it, and I do not think it would be just to complain of that room, because it is a very large room for three men with two windows the same as this, a large well-ventilated room; and they were sent in there as an indulgence to keep them away from the other prisoners.

11,281. Are you aware of any change having been made in the room after he had complained of it, by the governor's orders?—I am not aware of it.

11,282. Do you remember plugs having been put in to prevent the return of the bad smell from the sinks?—I do not recollect, but it is quite possible the sink might have got out of order; and I recollect that the bath room opposite did get out of order and they had to examine it some time ago. The same thing might have happened in his case; but it was not of a sufficient nature to attract my attention. It is not a sink, it is a bath. What he alludes to must be a waste-pipe to the bath.

11,283. On bathing days what number of persons would bathe in that room?—They vary very much according to the number in the hospital, but I should think on an average about fifty, I think I can give you the correct number. The principal infirmary warder can get it.

11,284. What length of time would the bathing of those fifty prisoners take?—It would occupy some time.

11,285. While that was going on, how were the three prisoners who were living in that room to be disposed of?—They were brought into the ward, and might have gone into the corridor. They were not bound to remain there. But those men were there but a short time, I am not aware of their experiencing any inconvenience or having complained of any inconvenience by being there.

11,286. Can you state whether they were allowed to remain in the room while the others were bathing there?—I do not think it at all likely. I think they might have gone out. We put up a screen when the bathing is going on; but as a matter of delicacy, I think they might have been moved out of the room. My officer is here who had charge of the room, and he no doubt would notice a case of annoyance.

11,287. (*Chairman.*) What is his name?—Mr. Fry. He is now in the surgery. If you choose I will ask him.

11,288. (*Mr. De Vere.*) On the scrubbing days, Dr. Campbell, was there a large concourse of people coming in there for hot and cold water?—I should think not more than one prisoner and an officer along with him.

11,289. How often would they come in the course of the day?—I should think they did not come very often. I never heard of it. They would come in when the scrubbing was going on, in the morning two or three times for a supply of water; not more.

11,290. Is it true that not an hour, hardly a minute of the day passed that they were not in for hot and cold water?—I think it is impossible, and I cannot imagine a man making such a statement. I do not recollect any complaint that was made to me of any such thing occurring. The officer in charge of the room will be able to answer.

11,291. Can you state whether the bed in which Rosentre lay was within three feet, or within what distance was it, of what he calls the "sink" which

you suppose was the waste-pipe of the bath?—It is quite possible that it was within three feet of the bath, but there could be no objection to it. There was no smell. I forget exactly how the beds were placed, but we had three beds in the room, and I think it is quite possible that one of them might have been within that distance.

11,292. (*Chairman*.) What is the size of the room?—It is as large as this room, my lord.

11,293. (*Mr. De Vere*.) If it was true that there was something so wrong about it that the governor had to order plugs to prevent the stench, would you not have thought it your duty to prevent his being put within such a short distance of the bad smell?—Most decidedly, sir; if he complained of the slightest smell I should have had him removed out altogether.

11,294. Do you state distinctly that none of those prisoners ever complained to you with regard to the smell?—I have not the slightest recollection of such a complaint. If they did make any complaint I am certain it was immediately attended to.

11,295. Is it a rule to order a prisoner to clean out waterclosets and urinals of wardens, and corridors in which he is not himself located?—If he belongs to the cleaning party he might have to do that duty. The cleaners are sent to different parts of the prison.

11,296. And also the waterclosets belonging to the officers' mess rooms?—I dare say it is a part of the cleaners' duty, but I think the governor would answer that question, because he is supposed to be in the prison when they are doing his duty.

11,297. Can you recollect when Roastree was first weighed after coming to this prison, and the result?—He was weighed on reception, on the 8th of February 1867.

11,298. (*Chairman*.) What did he weigh then?—His weight at that time was 11 stone 5 pounds. When he was last weighed on the 16th of May 1870, his weight was 11 stone 11 pounds.

11,299. 11 stone 11 pounds?—11 stone 11 pounds.
11,300. (*Mr. De Vere*.) Was that the time that you said he might get full diet and half a pint of porter?—His diet has been changed so often that I cannot say.

11,301. I complete that question by asking you whether it is true that in half an hour after his being weighed, "full diet" was scratched off his ticket, and the former diet restored with four ounces of bread extra?—He was weighed several times. That might refer to some other weighing. I have only given the first and last. He was weighed the 18th of May '67, the 6th of July '67, and the 19th of August '67. He had then lost, and I have no doubt that I changed his diet at that account.

11,302. (*Dr. Lysons*.) How much had he lost at that time, Dr. Campbell?—He fell off; he lost nearly a stone. On the 26th of July '67 he is down at 10 stone 5½ pounds; in August he had increased to 10 stone 7 pounds; in February '68 he is down at 11 stone 6 pounds; on the 18th of January he was 11 stone 13 pounds, and on the 16th of May '70 he is 11 stone 11 pounds. He fell off at first considerably; but he soon pulled up again.

11,303. (*Mr. De Vere*.) Do you remember on any occasion changing his diet to full diet and half a pint of porter, then getting him weighed, and on receiving the ticket of his weight or finding what his weight was, you rescinded the order you had just given, scratching full diet off the ticket and putting in the former diet with four ounces of bread extra?—I have no recollection of it. He has given a great deal of trouble about his diet at different times, and it has been very often changed for him, and he always had a very liberal diet, very liberal, from the time that he came here.

11,304. He states, Dr. Campbell, that you felt his pulse for the first time after his arrival from Portland, a few days after your return from your six weeks' vacation. Is that true?—There is seldom any occasion to feel the pulse of a man suffering from hæmorrhoids.

11,305. You did not see any appearances that made it necessary to feel his pulse?—No. The man at the time of his arrival was in pretty robust health, his weight being as I have stated 11 stone 5 pounds. I should have felt his pulse if I had seen the slightest occasion for it. If you allow me, it is only right to mention after the statements made by this man at different times, that I have not the slightest recollection of any harshness or unkindness being used towards any one of them. They have always received the kindest treatment, and had many indulgences in the way of privileges which were not allowed to other prisoners; and generally speaking they appeared satisfied, and I should not know that they had any ground of complaint if their petitions were not laid before me. Bourke and Miskay both sent a petition to the Secretary of State at the time that I had discharged them from hospital. They then began refusing their food, and they state in their petition that I scented them of smelling-paper. I cannot possibly make out what they mean by it. Bourke also mentions that I sent him out to perform hard work. Now, it is not my duty to send them to perform work at all; but to show that that is not the case, I took the precaution of sending a letter to the governor respecting Bourke and Dillon.

11,306. (*Dr. Lysons*.) Bourke or Burke?—Thomas Bourke. This is the note I sent to the governor on the 5th of July, at the time of discharging them.

11,307. (*Chairman*.) In what year?—1869, my lord.

"Waiting Invalid Prison,

July 5th, 1868.

"DEAR SIR,
"BEING of opinion that no medical grounds exist for longer detention in the hospital of the treason-felony prisoners Miskay, Roastree, Dillon, and Bourke, I beg to inform you that they have been discharged with the view of giving them some suitable employment. I may remark that they are all much improved in health, but as Bourke is lame from an old wound in the knee joint, and Dillon has curvature of the spine, they will only be fit for some light kind of work."

11,308. (*Dr. Greenhow*.) To whom is that letter addressed?—It is addressed to the governor, Captain Beadly.

11,309. (*Dr. Lysons*.) Dr. Campbell, who is responsible for a record I find in the infirmary patients' cases under the date of February the 8th, 1867, where it is stated in reference to the prisoner Roastree that "he had hæmorrhoids some years ago, but they got better; returned when imprisoned more than a year; the hæmorrhoids are internal; they sometimes bleed very freely"?—That is Dr. Wilson's.

11,310. Does it purport to have been taken down from the statement of the prisoner himself?—Yes, from the prisoner himself.

11,311. The reason I ask you the question is, that it is a little inconsistent with what Roastree himself states in the communication that he has laid before us. He says that he had naturally a strong constitution, and always enjoyed good health, and he uses the expression "Since my arrest I got piles." That is inconsistent with what is distinctly stated by Dr. Wilson, "had hæmorrhoids some years ago, but they got better."

11,312. Are hæmorrhoids frequent in your experience of prison life?—No; I do not think they are very common. I have seen them occasionally, but I cannot say that they are very common amongst prisoners.

11,313. Is it a form of disease that you have much experience of?—Yes; I have had a good deal to do with it at times.

11,314. In prison?—In prison, in the navy, and in private life.

11,315. I observe that you frequently, at least on several occasions, ordered him calomel, and salts and such. Is that a plan of treatment that in your experience you have found beneficial?—Yes. I have

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found it serviceable in relieving the parietal veins. A dose of calomel in combination with a little aromatic powder.

11,316. Followed by — By a saline draught; sometimes a little of the ordinary black draught.

11,317. Is the ordinary black draught that you ordered him which is mentioned here as *Amarae* senna?—Yes, that is the ordinary black draught.

11,318. I find that on the 26th you ordered him five grains of calomel to be followed by *Amarae* senna; on the 12th "bowels freely moved, the piles not down;" then on the 13th there is an entry, "considerable pro-
" lapsus, and a little bleeding," and the 14th, 15th, and "16th the statement is merely a little bleeding." Is that the result of your examination recorded?—Yes.

11,319. Of your own?—Yes.

11,320. Could you state for the information of the Commission, whether the prolapsus was considerable at that time?—Not to a very great extent.

11,321. Was it a quarter of an inch, or half an inch, or more?—More than that; I have seen it down an inch.

11,322. You have seen it down an inch?—Yes.

11,323. (Dr. Greenhow.) The rectum down an inch?—Yes.

11,324. (Dr. Lyden.) Independently of the hemorrhoids?—Yes, the hemorrhoids were never very large, it was the prolapsus.

11,325. Just define the condition in which you found the hemorrhoids at that time. Could you state in technical language what class of piles they belonged to?—Internal piles.

11,326. Internal?—More internal than external.

11,327. Were they in the shape of a globular excrescence, or were they pendulous tumours, or what kind of hemorrhoidal tumours were they?—They were internal and rather a little pendulous.

11,328. Pendulous?—Yes; they evidently existed for some time. They, the pendulous ones, were more external.

11,329. More external?—Yes, more external.

11,330. Were they generally external?—They generally exist when there is no prolapsus.

11,331. Are they usually to be seen so?—Yes, I think you can see them at the present time, although I have not examined for some time.

11,332. Were the internal hemorrhoids considerable in amount?—Not to any great extent.

11,333. Did he appear to suffer much from prolapsus?—Yes, he did; the part was very much injected sometimes.

11,334. Did it form a large mass altogether in the aperture?—Perhaps about the size of a pigeon's egg.

11,335. Not larger than that?—Perhaps a little more, but not much more.

11,336. Did you at any time employ any specific mode of treatment beyond the general plan of treatment that you appear to have employed by giving aperient medicines and gall treatment?—No; I generally adopted the soothing plan. He has been using poppy fomentations.

11,337. Were they at any time in a state you thought fit for any application for removing or destroying them?—No; I did not think it necessary to perform any operation.

11,338. (Dr. Greenhow.) You did not consider it necessary to remove the pendulous ones?—No; I did not see any good to be gained by it.

11,339. (Dr. Lyden.) As I run my eye over the infirmity patients' cases, I find some for the entries of prolapsus and of his passing blood. Did you see him on all those occasions?—Oh yes. I have visited him regularly twice a day when he was here.

11,340. Was he, during all this period in your charge?—In my charge.

11,341. Except when you were away on vacation?—I might be absent sometimes, and then he was in charge of the assistant surgeon.

11,342. I find that on the 18th of May 1867, he was in a punishment cell and complained of passing blood by stool?—Yes, I find an entry to that effect;

"In the punishment cells; complained of passing blood by stool; no change in appearance."

11,343. Did you recommend his removal from the punishment cell on that occasion?—No, I do not think I did recommend his removal. I made a remark here on the 14th, "Passing blood by stool for a considerable time." That is the report he made to me. I ordered his stool to be kept for my inspection.

11,344. Are you referring to May the 14th, 1867?—Yes, and on the 14th I remark "Motion tinged with blood; about a teaspoonful is all, the result of "hemorrhoids."

11,345. Then on the 30th of the same month, you examined him along with Dr. Pollock?—Yes; there was no sign of hemorrhoids or prolapsus.

11,346. Could Mr. Pollock have seen him on any other occasion? Did he see him on a former occasion?—I am not quite sure whether he examined him or not on a former occasion. He was examined on this occasion, the 30th of May; but I think Mr. Pollock came down on this occasion to see this man again. He had seen the man before.

11,347. Could Mr. Pollock have seen him on any occasion before that the 30th of May. Your record is very accurate of what took place then, but could he have seen him on a former occasion, and could what Lord Devon read for you have occurred?—He might have seen the man on a former occasion, but I am not aware that he examined him.

11,348. He says in reference to some occasion, "I had heard that Mr. Pollock was a medical gentleman." I begged that he would look at the piles and examine me. He was about to do so, when Dr. Campbell said something to Dr. Pollock in an undertone and he declined to examine me." You say that did not occur on the 30th of May?—Not on the 30th.

11,349. Could it have occurred on a former occasion?—I do not know what he alludes to in the first place. I have no recollection of the circumstances at all.

11,350. He alludes to some examination that it was proposed by Mr. Pollock that he should make, and which he did not make, in consequence apparently of something that you said in an undertone. I will put this paper into your hands, and you will be good enough to read that paragraph over yourself, and see whether you can remember whether such a thing occurred on that or any former occasion?—(After perusing the paragraph.) I only remember this occasion. I think he was actually examined by Mr. Pollock. I have no recollection of his seeing this man before in my office.

11,351. Are you prepared to say that such a thing did not take place on any of those occasions? Do you think it might have taken place and that you have forgotten it?—I have no recollection of it. I have a perfect recollection that he was examined by Mr. Pollock on the 30th of May. I have made the note of it; but I have no recollection of any other examination.

11,352. Was this man hospitalized by the hemorrhoids during this period from week of any kind?—No, I think the man would be much better employed now.

11,353. But during the period that we are now inquiring into, which extends over 1867 and 1868, when the hemorrhoids appear to have been in an active condition?—If they had been in an active condition I should have admitted him into hospital at once, if the man had complained. He has always been admitted into hospital when he did complain. He has spent the greater part of his time in hospital.

11,354. You appear to have had him under close observation. Sometime prior to August 1867, you say the quantity of blood has been much less, and he told me to-day that there was none to be seen?—Yes; I was very particular in examining the stool to see exactly what he did pass, for he appeared to me to give a very exaggerated account of his case as far as blood was concerned.

11,355. He appeared you say to exaggerate?—Yes; he appeared to exaggerate.

11,356. Look at the entry of the 20th of March, 1868. He was admitted into hospital on the 26th of March 1868?—Yes.

11,357. On that occasion again, on the 27th, it appears that he had another powder last night, and spent the night; on the 28th it is reported that "the man was again tinged with blood;" and on the 30th of March, "Still passing blood?"—Yes.

11,358. Then on the 1st of April he appears to have made some complaint for which you took him before the governor. It is entered here, "Took this man before the governor to know what he meant" "by saying that he was not treated properly and like a regular prisoner, he having been on full hospital diet" "from the time of admission, regularly visited and supplied with the necessary remedies." What does all that refer to?—A complaint he made. I think it refers to a complaint he made to the doctor; and then he mentioned as that occasion that he did not refer to my treatment, but referred to his being in A ward.

11,359. Being in A ward?—Being in A ward.

11,360. The ward called A?—Yes, where you saw him. He was sent there to allow him to use his stool, and I understood he preferred that. I have made a remark here: "Not sent there specially, when placed on the sick list; it is the best place for him so long as he requires to use the close stool for my inspection and also to bathe himself."

11,361. May I ask you what are the qualifications required of a compounder in this prison?—He requires to have a good knowledge of drugs, and they require to undergo an examination. Our present compounder was transferred to this prison from Portland.

11,362. What sort of qualification, if any, is he required to have?—He requires to have a perfect knowledge of drugs.

11,363. How is that knowledge tested?—It will be tested now by examination.

11,364. Do they produce any kind of certificate of having attended the compounding of drugs in a regular establishment, or picked it up anywhere?—They are appointed by the directors, and the directors, no doubt, require into that.

11,365. (Dr. Greenhow.) Do you believe that they are required to be members or assistants of the Pharmaceutical Society?—No, I don't think that necessary.

11,366. You think it is not necessary?—It was not; it will be now. I do not think that the present compounder is a member of the Pharmaceutical Society.

11,367. He may be an assistant only?—I do not know that he is even connected with it; but he will be able to state that himself.

11,368. (Mr. Bradbick.) But you consider him a competent man?—Oh, very, a very careful man.

11,369. (Dr. Lyons.) What is the nature of the wound in Bowdler's leg that he makes complaint of?—What is the date of that please? It must have been very slight, I should think.

11,370. It is referred to here as "an old wound." I want to know what kind it was.

11,371. (Dr. Greenhow.) Have you seen it?—No; it must have been very slight. I do not remember anything about it.

11,372. Was it an open wound?—Oh, no open wound. I will examine him if you please now, for I am unable to answer the question with respect to the wound.

11,373. (Dr. Lyons.) You do not remember anything about it?—I do not remember.

11,374. But you have not made such an examination of this wound that would enable you to tell us now what the nature of it was?—No.

11,375. Did he ever complain to you about it?—I do not recollect. What is the date of it?

11,376. It is mentioned in connection with the 5th of November, but whether it is the 5th of November '68 or not, I really cannot say. He says you looked at his leg and ordered him a flannel bandage?—The

flannel bandage was not in connection with a wound, but for the stockings that were taken away from him. He must have complained of cold. I suppose, owing to the loss of his stockings. I very likely ordered him a flannel bandage to be used in place of them.

11,377. You stated a while ago that you did not even say to him to "shove up the piles," when he said to it himself?—Most decidedly not.

11,378. He alleges that he was obliged to go that morning with an officer before the governor to receive sentence. "When the officer," he says, "came on that morning to take me before the Governor to receive my sentence, I was after coming from the closet, and had been bathing with cold water; the bleeding had ceased; I was lying down trying to get the piles in; I had to go with the officer. On my return they were congested from cold as they always are when I have not the opportunity of getting them in as soon as the bleeding stops."—He was not perhaps under my care at that time.

11,379. That refers to the occasion on which he says you told him to "shove them up"?—Then he was in A ward at the time.

11,380. Have you any record in reference to any such thing as that?—Oh, no.

11,381. He says "Even if I could get them up by shoving I could not then, the pain was so acute, he was to put a finger near them. When the officer came on that morning to take me before the Governor to receive my sentence, I was after coming from the closet, and had been bathing with cold water, the bleeding had ceased and I was lying down trying to get the piles in. I had to go with the officer. On my return they were congested from cold." Have you any record of that happening at all?—None whatever. I have never seen the prisoner down, and the officer in charge of A ward must have been with me, accompanying me.

11,382. (Chairman.) Who was the officer in charge of A ward?—Mr. Humphries is one. The officer in charge of number one is still in the prison, so that you can examine him.

11,383. That is Humphries?—Humphries.

11,384. (Dr. Lyons.) He also makes the allegation that the time when he got colder off, when it was occasionally ordered for him, was immediately before dinner. "This," he says, "prevented me from taking any food, for it shivered me if I ate it, and seldom or never opened till after I was locked up in my cell for the night, when I had no facilities for stopping the blood, having to economise in the toilet and could not empty it till morning."—I find I entered the entry off in the morning when he was on the sick list. He must allude, I suppose, to the occasions when he went to the surgery at 12 o'clock with other complaining sick.

11,385. Is a prisoner obliged to take medicine then and there at 12 o'clock?—Yes, it is commonly taken there.

11,386. If he was ordered castor oil at 12 o'clock would he take it then and there?—Sometimes he may be ordered to come in the evening, but as a general rule he would get it at 12 o'clock.

11,387. And take it there and then?—And take it there and then.

11,388. He complains that in some cases his dinner was quite cold, and that sometimes he found that part of his dinner was perished while he was kept waiting 40 or 50 or 60 minutes?—He is alluding now to when he was in the prison.

11,389. Yes; when he went to the dispensary?—When he went to the dispensary for medicine.

11,390. He says, "When I saw that my name was always last on the list, I went to my cell on coming from work, ate my dinner if I could, and then went to the surgery for medicine. Even then I had many minutes to wait before my name was called. In a few days this was noticed by the infirmary principal warder, and on the following day my name was placed on the top of the list. I was not present when my name was called to go in for

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"medicine." When I did come I was reprimanded "and said that in future I should be present when my name was called. After this my name was often heading the list, but that was to advantage for I had to wait till the last was served ere I could be permitted to return to my cell." Can you speak with reference to this statement?—I think they were very particular in keeping the treason-felony prisoners apart from the other prisoners, and he might have been kept as he says.

11,391. Is it possible that he was kept waiting nearly the whole of dinner hour?—That is not possible.

11,392. Is it not possible?—No, not possible.

11,393. But the dispensing of the medicine must generally take some time?—I should think they are all away at the least by a quarter past 12.

11,394. (Chairman.) The dinners are served at 12, are they not?—At 12.

11,395. (Dr. Legson.) He states that on one occasion "Dr. Wilson said, 'If the old disagree with 'you I will give you something else.' He wrote in 'the book.' The compounder, Mr. Wing, looked at what he had written, and filled me a cup of senna and salts. I said 'senna and salts will increase the 'bleeding and aggravate the disease; please to give 'me an aperient of some kind.' Dr. Wilson then 'gave me two pills in lieu of the senna and salts.' Is it the case that senna and salts did aggravate the disease or promote the bleeding at any time?—I am not aware that it did. He has been principally on the electuary of senna and sulphur electuary.

11,396. But from time to time he has been ordered senna and salts?—He may have had it after colic, but I do not think he had it very often.

11,397. He refers to the 26th of March, and says, "I was unable to rise out of bed this morning from 'the pain in my loins, &c. Dr. Campbell came, 'felt my pulse, and said I had no fever; ordered me 'up, and a dose of senna and salts; discharged in 'five weeks?—It appears that I ordered him a calomel and opium treatment. '26th of March '68, 'complaints of piles, no protrusion,' and that was followed by the electuary and astringent enemata.

11,398. Is Dr. Hoffman here now?—He is here.

11,399. He is the assistant here now?—He is the assistant-surgeon here now.

11,400. It appears that for a cold in the chest surgery was resorted to for him on one occasion. Have you any record of it?—He most likely applied complaining of a cold, and got a dose.

11,401. He now alleges that he suffered from chronic piles, chronic syphilis, and slight chronic bronchitis, three chronic diseases?—The principal ailment he had is the piles.

11,402. What is the state of his syphilis at present?—It is cured. He has said nothing about it for a considerable time.

11,403. And the bronchitis?—I am not aware that he has got a cough.

11,404. Is it any part of your duty to examine the meat supplied to the prisoners in the infirmary?—I always do so.

11,405. Have you observed the meat at any time to be bad?—Which?

11,406. The meat served out to the prisoners?—When bad or doubtful meat is received we hold a board on it.

11,407. Have you observed the meat supplied to be bad?—Yes, sometimes.

11,408. What is done with it when it is found to be bad?—It is sent back and the steward is sent to purchase meat from another butcher.

11,409. Have you ever observed the rations served out to have a bad smell in any way?—It sometimes has and is rejected.

11,410. No, but the meat served out?—No.

11,411. After being boiled have you ever known the meat to be detected bad in any way?—Yes, and it has been brought before me. The prisoners sometimes complain and if I find that it is bad I

at once condemn it. That happens very often in this hot weather.

11,412. It does happen?—Almost every day I have got dinners sent to me for my inspection, when the meat may be a little tainted. If it is bad it is condemned.

11,413. Has it occurred recently?—It occurs occasionally. I have not had a case to-day.

11,414. Did it occur last week?—Yes, within the last week.

11,415. More than once?—Very seldom.

11,416. What happened to the meat on three occasions?—Just a little tainted from the great heat of the weather.

11,417. Did it in the raw state become tainted, or was it tainted only after cooking it?—It was sent up by the cook, and being complained of it was sent for my inspection. When prisoners complain of food it is at once sent to the medical officer.

11,418. (Chairman.) Does that imply the infirmary only, or the prison generally?—The prison generally. Every prisoner can complain of the meat.

11,419. (Dr. Legson.) Does every prisoner know that he can complain of the meat, and that it will be examined by you and if necessary condemned?—They sometimes find fault with the dinner, and it is sent back to the cook who rectifies it at once. But if he conceives he is not justified in making any alteration, they can still complain and it is sent for my inspection. But we are very particular in examining the meat sent in. We have a board on it and condemn it at once if it is not good.

11,420. What is the interval between the reception of the meat, and the cooking of it?—It might probably commence in the evening for the following day.

11,421. It is possible that meat which passes inspection as sound to-day would be found bad when boiled to-morrow?—It is quite possible in this changeable weather.

11,422. (Chairman.) Does the prisoner get good meat instead?—It is changed. They very often come up to me complaining that the meat was hard or fat. I tell the officer to take it to the cook-house and get a little more meat.

11,423. Do you think that will be the case with reference to the whole of the prisoners in this prison?—Oh yes. They have all an opportunity of complaining. If they think the meat stinks they can have it weighed.

11,424. (Mr. De Vere.) Are you obliged to be always in the room to hear those complaints at every moment?—I am here to 2 o'clock to see that it is brought to me.

11,425. (Chairman.) In your absence does that duty devolve on your assistant?—On my assistant.

11,426. Dr. Campbell, will you be kind enough to go through your professional day as medical officer of this prison?—I came in, my lord, about twenty minutes to 9 o'clock in the morning. That is to see prisoners who have got their names down to see me about their work, clothing, or food.

11,427. Those names are put down in a book furnished to you?—Yes.

11,428. When is the first communicated to you?—There is a book kept for the purpose. The names are put down by the officer of the day. His book is brought before me and I make my remarks for the information of the governor. A lame man will complain of having to go upstairs to his cell; if I find that it is desirable, I recommend that he should be located on the ground floor.

11,429. You first of all on coming to the prison examine that book and deal as you think fit with the applications?—Yes, my lord. Then I prescribe for the sick officers, and after that I go to the hospital.

11,430. How long, ordinarily speaking, are you dealing with the list of prisoners who make application to you?—Ordinarily not more than a few minutes.

11,431. Not more to so large a prison as this?—No.

I seldom have more than perhaps three or four or perhaps half a dozen.

11,432. Of prisoners who come to see you?—Yes.

11,433. Then you deal with the sick officers. How long does that take?—It varies; sometimes I have not any.

11,434. Sometimes half an hour?—Oh, not more than two or three minutes. If any officer is not on duty I send him to the sick room, but if it is a slight case I order him a dose of medicine.

11,435. At half-past 9 what do you do?—I go to the hospital and see the prisoners there.

11,436. Do you go through every case?—I take one ward and the assistant-surgeon takes the other. We take them alternately.

11,437. In the event of there being any bad case in the ward in charge temporarily of the assistant surgeon, reference is made to you?—Yes.

11,438. (*Dr. Greenhow.*) Is it half-past 9 o'clock before you reach the ward?—Twenty minutes past or half-past 9 o'clock.

11,439. (*Chairman.*) You go to one ward, the assistant-surgeon taking another?—Yes.

11,440. There are more than two wards?—There are four.

11,441. You take two and the assistant-surgeon takes two?—Yes, my lord.

11,442. How long does that generally occupy you?—An hour or an hour and a half.

11,443. That carries you to 11 o'clock?—Half past 11.

11,444. At half-past 11 what do you do?—I visit the prisoners in the refractory cells.

11,445. You take the refractory cells first I suppose?—Yes, I go round the different cells and see if there are any complaints to make.

11,446. (*M^r. De Vere.*) When does the examination of the prisoners in the refractory cells commence?—Immediately after hospital.

11,447. At what hour?—It is about half-past 11 o'clock.

11,448. Having visited the refractory cells, what do you do with regard to the general prisoners?—I have an inspection. For instance, this morning I inspected all the prisoners when I came in at a quarter before 7 o'clock to inspect the able-bodied prisoners before they went out to work. I do that once a month.

11,449. You inspect the whole?—Yes, my lord.

11,450. Are they inspected at intervals by the other medical gentlemen?—No, my lord. Then I see the hospitals individually, they pass round one by one.

11,451. After visiting the refractory cells what do you do?—I come to my room and attend to different matters.

11,452. Are the cases which require more minute examination brought to you again?—To my office. I very often go through the wards in the course of the day, after my visit, to make a more perfect examination.

11,453. Then your day is fully occupied until 2 o'clock?—About 2 o'clock I go to dinner. Then I come in again between 5 and 7, and go round all the hospitals again. I call at the refractory cells to inquire if there are any complaints. If there are no complaints I do not see any of the prisoners. During the day besides I have to visit the sick officers as we?

11,454. Do I understand correctly that every prisoner in a refractory cell is seen by you every day?—Every day.

11,455. That every infirmary patient in the wards for the time under your special charge is seen by you every day?—Every day.

11,456. That the ordinary prisoners, not in the infirmary or refractory cells, are seen by you individually at least once a month?—At least once a month, and if any complaint is made they are able to see the assistant-surgeon or myself at any hour, day or night.

11,457. Is it in the power of every prisoner to see

you if he puts his name down in the book for the purpose?—At any time.

11,458. Be he in the infirmary or in the prison?—Yes, my lord.

11,459. With regard to the night, you live outside the prison?—Yes, my lord.

11,460. Does the assistant-surgeon live in?—He lives outside.

11,461. Supposing a patient is taken suddenly ill in the night, what would happen?—We are sent for.

11,462. Is the assistant-surgeon sent for first?—The assistant-surgeon.

11,463. Does that often occur?—Not very often. If I have any bad case in the hospital I often call in about 10 o'clock at night before looking up, to pay a last visit.

11,464. Have you any reason to believe that cases occur in which you ought to have been sent for, but in which, from failure in the performance of that part of his duty, the officer does not send for you at night?—I think not. I think they are very particular; and I may mention that we have got an officer in each ward on duty all night long, so that if he sees any change in the patient he at once communicates with the compounder or principal infirmary warder.

11,465. Complaints have been made to us that considerable inconvenience has been experienced during the night by those whose beds may be relaxed not having an opportunity of going to the closet, but having to perform operations of nature in their urinals and retaining them all night in their cells. Do you consider there is an evil in that?—Yes, that would be wrong, but if I knew of any case I should admit it into hospital at once.

11,466. (*Dr. Greenhow.*) If there was an attack of diarrhoea at night, would you be applied to?—Not in a simple case. The compounder would give a dose of chalk mixture; but if it was a serious case he would send for the assistant-surgeon or for me.

11,467. (*Chairman.*) Is the compounder living here?—He lives in, with the principal infirmary warder. They both understand it. The principal infirmary warder had an appointment in the Quinns; he undertakes medicine thoroughly.

11,468. (*Dr. Greenhow.*) You spoke two or three times to-day about the treason-felony prisoners being kept separate from the ordinary prisoners. Can you explain why they have been kept separate?—It was the wish of the authorities, I believe.

11,469. But you are not acquainted with the reason, why it has been done?—No, only that they make the distinction. They have made a distinction between these prisoners and other prisoners.

11,470. Has that distinction been in favour of the treason-felony prisoners, or adverse to them?—Oh, decidedly in favour of them.

11,471. In favour of them?—Yes; they have not only been kept by themselves, but they have been allowed extra exercise and various other privileges.

11,472. Specifically then?—They have been allowed to grow their hair and beard, and that has been a source of punishment to men in hospital, for some of my patients have complained that they had their hair cut when the treason-felony prisoners are allowed to grow theirs.

11,473. Any other distinction?—They are allowed extra exercise.

11,474. (*M^r. Brodick.*) Any distinction in the way of diet?—No distinction. Lately there has been. Since the refusal of the food the Secretary of State recommended that a little relaxation should take place, and it was referred to me. I have got the letters bearing on that point if you wish for them. The prisoners complained of the rust pudding.

11,475. (*Chairman.*) I think you had better read the letters?—Yes, I have got them all here.

11,476. When was the complaint made, Dr. Campbell?—I may mention that these men were discharged from hospital on the 5th of July last year, they all began returning their food, and I had this list made out at the time.

11,477. What does it contain; a statement of the

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food returned by each prisoner?—By each prisoner, my lord.

11,478. (Dr. Greenhow.) You will favour us with a copy of it, if you please.—Yes.

11,479. (Chairman.) In consequence of the fact of their returning food, did you make out a statement at that period of the food sent back by each of these prisoners?—The food sent back: it is always noted.

11,480. Do you send in a paper showing what was sent back by each prisoner?—Yes.

11,481. Of what extent?—It varies.

11,482. The report is from what date?—From the time of their discharge from hospital, I think the 9th of July 1869.

11,483. To what period? What is the last date?—The 26th of August is the last entered here.

11,484. In '69?—In '69.

11,485. It is about six weeks, then?—Yes.

11,486. (Dr. Greenhow.) Is this reporting of food being returned only applicable to treason-felony prisoners?—Oh no; to all the prisoners.

11,487. Whenever any prisoner returns his food the fact is reported to you?—It is reported.

11,488. (Chairman.) Then you find that taking a given period, say six weeks, the number of instances in which the food is returned by the treason-felony prisoners is larger than the number in which it is returned by prisoners of another class?—Yes, my lord. They return a good quantity.

11,489. More than has been returned by the same number of prisoners of any other class?—Yes; but they chiefly returned their food shortly after their discharge from the hospital, my lord. I find that when they were in hospital there was no food returned. I have got the "return food book"; perhaps you would like to see it.

11,490. (Dr. Greenhow.) Were they receiving the same diet as the other prisoners at the time that they returned food in that way?—Yes, in the prison.

11,491. The other prisoners who were in the prison, not in the infirmary?—Yes, the ordinary prison diet.

11,492. Was it light-labour diet or hard labour diet?—They were allowed hard-labour diet.

11,493. Were they at hard labour at the time?—No, those men have never been at hard labour.

11,494. They were at light labour, but were allowed hard-labour diet?—Yes.

11,495. Will you read the letters to which you have referred?—July the 10th, 1869, I wrote to the Governor:

"DEAR SIR,

"It having been brought to my notice that the treason-felony prisoners Bourke, Dillon, Murphy, and Mulcahy have been returning their food, I beg to report the circumstance. I may state that these men were only discharged from hospital on the 6th instant in good health and increased in weight; and I found on inquiry that on the 8th the whole of them returned their food, and yesterday Bourke returned his dinner, and Dillon, Murphy, and Mulcahy half a pint of soup and their potatoes. I used scarcely state that the provisions are of the best quality and used without complaint by prisoners who have formerly occupied a good position in life. It may be well to mention that these men previous to their discharge from hospital, intimated to the director that they could not use the prison diet, and if they persist in their present line of conduct their health must necessarily suffer.

"I remain your obedient servant,

"JOHN CAMPBELL, M.D."

11,496. (Chairman.) What was done in consequence of that?—Then, I think, Thomas Bourke and Mulcahy sent petitions to the Secretary of State. I do not know what the petitions were now; but these are the certificates that I sent along with the petitions:

"Woking Invalid Prison, August 9th, 1869.

"I hereby certify that I have examined number 3134 treason-felony prisoner, D. D. Mulcahy, this

"morning, when he complained of feeling weak and faint, also of derangement of the stomach, which he imputed to the prison diet; but as he has been returning a portion of his food since he left the hospital, the weakness most likely arises from that cause and not from the food which is used by about 550 other prisoners here and appears to agree remarkably well. I beg to state that this prisoner is located in the same room as Bourke, and as his complaints are of a similar nature I hope it is unnecessary to add more on the subject."

This is my certificate referring to Bourke:

"I hereby certify that I examined number 3595 treason-felony prisoner, Thomas Bourke, this morning, when he appeared free from disease, but complained of great weakness, and as he has been returning a portion of his food since his discharge from hospital I can only impute the weakness to that cause. I beg to state that I am not aware of ever being asked to this prisoner, and certainly never sent him out to perform hard work, or second him of scheming, false-hood, or smuggling. He was for a long time in hospital on a generous diet, and always appeared satisfied; but on being discharged he had the other treason-felony prisoners complained of the prison diet, and although I have no instructions for my guidance in their case any more than in that of the other prisoners, they seem to imagine the power rests with me, and as they have not been granted a special diet in prison that is no doubt the cause of the bad feeling." I have no power to interfere with the prison diet. When a prisoner is in hospital I order what I think necessary, but I have no power to interfere with the management of the prison.

11,497. That rests with the directors?—It rests with the directors and the Secretary of State.

11,498. (Mr. De Vere.) What became of that report of yours?—The Secretary of State thought it desirable to make a little relaxation in the case of those men, and when it was referred to me, this is the letter that I sent up.

11,499. Have you got his answer to that report of yours?—No, I have not got the answer.

11,500. (Chairman.) What was the next communication?—This is the next:

"Sir, Whitehall, 7th September 1869.

"I AM directed by Mr. Secretary Bruce to acknowledge receipt of your letter of the 30th ultimo, forwarding medical certificates in the case of Thomas Bourke and Denis Mulcahy, at Woking prison, and to state that he wishes those certificates to be placed on the full hospital diet suggested by Dr. Campbell, consisting of baked beef with vegetables and bread on Tuesday and Friday, boiled mutton, soup, vegetables, and bread on Thursday."

That is the answer to this letter I have referred to.

11,501. (Dr. Lysons.) By whom is that signed?—It is signed by A. F. O. Liddell; but I ought to have read my letter first of all, for this is an answer to it.

11,502. (Chairman.) I thought that was in answer to your certificates?—I made a recommendation.

"Woking Invalid Prison,

"Sir, August 28th, 1869.

"I HAVE in compliance with your request perused the Whitehall letter, number 7,706, relating to the petitions of the treason-felony prisoners Thomas Bourke and Denis D. Mulcahy, complaining of the insufficiency of their diet. In reply I beg to state that these prisoners have been returning a portion of the prison diet since their discharge from hospital, and that in consequence of the rejection of the slice of beef soup on Tuesday and Friday, and the meat pudding on Thursday, owing as they state to these articles disagreeing with them, they have naturally become somewhat weakened. The Secretary of State being of opinion that some relaxation in the strict rules of diet might be allowed in the

"one of these prisoners, I beg respectfully to recommend as a substitute on the days complained of, a 'full hospital dinner,' which consists of baked beef with vegetables and bread on Tuesday and Friday, and boiled mutton, soup, vegetables, and bread, on Thursday as being suitable and most convenient. I beg leave to add that the other three treason-felony convicts at present in this establishment have also made similar complaints of their diet, and as they are all associated together, it appears to me that any change in the dietary might be extended to them, especially as they are less robust than Burke and Mulvey, and have laboured under more decided sickness during their confinement here."

11,503. Who were those three?—Roanree was one.

11,504. The second Burke?—Not Richard Burke. He was not here at that time.

11,505. Dillon?—Dillon was one.

11,506. Power?—Murphy, Roanree, Dillon, and Murphy were the three.

11,507. That alteration was then made?—That alteration was then made, but it was confined to those two men at first.

11,508. Which two?—To the two men who had petitioned; but after a time I wrote another letter showing that I had recommended it for the other as well, and it was afterwards extended to them.

11,509. So that though these men are no longer in hospital, and not doing as hard work as many of the inmates of the prison do, they are on full hospital diet?—Quite so, my lord. They have got this special diet on those three days of the week.

11,510. (*Dr. Greenough*.) Did they continue to return food?—I think not; I have no return.

11,511. No return?—I have had no returns. There was no return of food previous to their discharge from hospital; but as soon as they went out of hospital they commenced to return it.

11,512. Do I understand that the treason-felony prisoners have been treated exceptionally?—Oh, decidedly; they have been treated with the greatest indulgence.

11,513. They have not been treated with exceptional hardness?—I do not know a single instance of hardness towards one of these men; not a single instance.

The witness withdrew.

GEORGE FAY examined.

11,514. (*Chairman*.) What are you in this prison?—Principal infirmary warder, my lord.

11,515. Were you principal infirmary warder in the year 1867?—No, my lord.

11,516. Were you attached to this prison at that time?—I was assistant-warder in charge of Number 1 ward at that time.

11,517. Do you recollect when the French prisoners were brought here?—Yes, my lord.

11,518. Was Roanree one of these?—Yes, my lord.

11,519. Where was he placed when he first came here?—I really could not charge my memory with that, my lord; but I think it was in the solitary that he was Number 1, but I cannot positively say.

11,520. Is that the apartment in which we were now, which is fitted up as a lavatory?—Yes, my lord.

11,521. Will you describe how many beds there were there at that time?—Three, to the best of my knowledge, my lord.

11,522. Were there any baths?—One, my lord.

11,523. Were there any sinks?—Yes, my lord; there was a sink and a soap-basin.

11,524. A sink and a soap-basin?—Yes, my lord.

11,525. A sink attached for hot and cold water?—Yes, my lord.

11,526. That was to be used by the patients for warts 1 and 2?—The nurses used to get water from these taps for 1 and 2.

exam.—H.

11,514. The exceptional treatment has been entirely in the way of remission of punishment in some way or other?—Decidedly.

11,515. Remission of labour, increase of food, and being allowed to work together; is that what you state?—Being allowed to work together and to sit together.

11,516. (*Chairman*.) When you say that they were allowed to work together, you mean to work together and separate from the other prisoners?—Yes, my lord. These men are now just engaged at the pump in the yard. I do not think they are compelled to work there. I have never had any complaint that they were harshly treated.

11,517. (*Mr. De Vere*.) Have you any further report to make about Richard Burke?—He has not been so well since our last visit, at least he has been more sulky, and not taking his food so well. He has just taken out of these bad turns again. He is now in bed.

11,518. (*Dr. Ligon*.) Is he fit to be seen by the Commission to-day?—I think not.

11,519. Would you apprehend any unpleasant result from his being seen by the Commission?—I think not; but I do not think he could answer a question. When I went to him he would not answer. I was anxious to give him a bath, and the bath was taken to his bedside, but when it was all arranged he refused to turn in the bed.

11,520. Was he in bed yesterday?—Yes.

11,521. And the day before?—I may say he has been in bed for the last five days. He went down one afternoon.

11,522. (*Mr. De Vere*.) Has your opinion as to his insanity been confirmed or otherwise?—My opinion has not varied. I have always looked upon him as a man of unsound mind since he came here.

11,523. That is your decided opinion?—I think so.

11,524. (*Mr. Brodick*.) How does he sleep at night?—We have been changing the officers lately, so that I could not get a correct account; but on the whole he has slept well.

11,525. Has he been watched at night with the view of detecting any possible shamming on his part?—No; he has always been in the same room with the other treason-felony prisoners. If anyone had taken place guardedly they would have made a sore complaint of it I think.

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11,526. In using the bath, was it the practice that men should be bathed once a week or oftener?—Yes, my lord.

11,540. How often was the bath used?—Well, I could not say how often it was used. It may be used two or three times a week, my lord. When the bath was ordered only at the usual bathing time this bath was used. It was used for the general purposes of 1 and 2 wards, my lord.

11,541. Was it only used on special occasions?—No, all the bathing was there; but there were fixed periods for bathing; Tuesdays and Fridays. Now I believe it is Tuesdays and Saturdays; but a man is often ordered to bathe.

11,542. Independently of special occasions, would the ordinary bathing of the patients of those two wards take place there?—Yes, my lord.

11,543. It would?—Yes, my lord.

11,544. What arrangement was made while bathing was taking place for the three men who slept in that ward?—Those that were not in bed were removed to Number 1, and if a man was in bed a screen was put around the bed.

11,545. Do you firmly believe that that was the custom at the time that Roanree was located in that room?—Yes, my lord; I firmly believe it was.

11,546. Did you ever find a small sliding from that sink?—Yes, there was a small found, my lord.

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11,547. There was a smell found?—There was, my lord.

11,548. (*Dr. Greenwood.*) How many men bathed there in the day generally?—We might reckon as many I should think as 30 perhaps in a day, more or less. It will depend on the length of time. Some are more decrepid and helpless, so that I could not fix the number day by day, sir.

11,549. Does that 30 refer to the regular bathing days?—Yes, sir.

11,550. In the other days, how many special cases would have to bathe in this bath?—Sometimes we might go a week without one, or we might have one or two as the doctor would order, sir.

11,551. Do you think you ever had more than one or two in a week?—Not beyond the regular bathing, sir.

11,552. You stated that the supply of water for the ward was obtained from this room?—Yes, sir.

11,553. How often in the day would they go for water there?—Three times a day, sir, or perhaps more if it was wanted. It may be four or five times, but usually they would be three or four times a day, sir.

11,554. Might they go more than three or four times in the morning?—They might, sir.

11,555. Might they go 10 times a day?—It is just possible they may, sir.

11,556. Might they go as often as every hour, think you?—I should hardly think that, sir. I could not possibly say. For those two wards, whenever hot water was wanted for any purpose it was got from the hot-water tap of this place.

11,557. Do you recollect that any water in the sink mixed a bad smell?—I remember a plug was put in, sir.

11,558. Was that in consequence of a complaint made by the prisoners?—I have some faint recollection of them speaking about the smell. I have some faint recollection of such a thing being spoken of when I was in that ward.

11,559. You think the plug was put in in consequence of some complaint of the smell?—There originally was a plug and it was mended, but in consequence of their complaint it was plugged. There was a plug originally. I believe it was found.

11,560. What was the purpose of the plug-hole?—Well, I could not say, sir, whether it was to keep water in the trap or to prevent the smell.

11,561. The plug-hole?—It was for waste water, sir.

11,562. Where did the waste water run to?—I do not know, sir.

11,563. You do not know whether it ran into the drain or not?—I do not know, sir.

11,564. Are you quite sure that there was a bad smell from it?—I remember a complaint being made about the smell, and there was a smell, I remember.

11,565. You felt the smell yourself?—Yes, sir.

11,566. (*Mr. Brodrick.*) Would all the slops from the hospital ward be emptied down there?—No, sir.

11,567. Would they empty slops down the water-sinks?—Yes, they empty slops down the water-sinks, sir.

11,568. Do you distinctly remember Rountree making any complaint of that room?—No, sir; I cannot charge my memory. I remember a complaint about the smell, but who made the complaint I do not remember.

11,569. You have no recollection of his complaining about anything else in that room?—No, sir.

11,570. (*Chairman.*) Do you know how long Rountree slept there?—No, I do not remember, sir.

11,571. (*Mr. De Vere.*) How many taps for hot and cold water were in the room?—Two for cold water and one for hot, sir; one tap over the stop-basin and one over the slabs.

11,572. How many sinks were in the room?—A bath in the centre; at one end a large round stop-basin, and at the other a leaden trough.

11,573. What was made of it?—I believe it was

intended for a scullery to wash up dirty vessels for the hospital, but it was never used for that purpose.

11,574. There was a waste-pipe going down from it, was there not?—There was from both; both from the basin and from the trough as well.

11,575. The plugs that were put?—Plugs were put to the trough, sir.

11,576. They were to stop up the entrance to the waste pipe?—Yes, sir.

11,577. Do you remember where Rountree's bed was placed?—No, sir. I do not remember which bed he occupied in the ward. There was a fireplace; one bed was beside the trough, and the other two near the other end of the room, near the stop-basin.

11,578. Was any prisoner's bed near that sink?—Yes, sir; not far from it.

11,579. How far would you say was the bed from the sink?—It would be three-quarters of a yard, or thereabouts; I could not say positively the exact distance, sir. It was between the trough and the fireplace.

11,580. Was there any certain hour for persons to come there for hot and cold water?—There was a certain hour in the morning and in the afternoon, sir, but they used to come in different hours in the day for hot water when it was wanted, sir.

11,581. Were the three prisoners who kept that room removed when persons came for hot and cold water?—No, sir; only at bathing time, sir.

11,582. Used they ever come there during the night for hot water?—I do not know, sir; I was not at night duty there, sir.

11,583. Did you ever hear the prisoners who were confined in that room complain of interruption by persons who came in?—No, sir; I heard no complaints, sir.

11,584. (*Mr. Brodrick.*) If water had been wanted during the night, would they have any other place to go to?—No, sir; they must have got it there or from the engine-house, and it is probable they would get it there, for we had no other channel by which we could get it, day or night, but that. We have a hot-water tank now, sir.

11,585. Is the hot-water tank frequently used at night?—It is not used very much of a night; still it is used occasionally of a night for examinations and things of that kind.

11,586. Is it used frequently during the day?—Oh, variously. I suppose they are at it four or five times a day, or perhaps oftener.

11,587. When you say "they are at it," whom do you mean?—The nurses, sir.

11,588. One at a time, or several together?—Several together; four, sir, and then four again.

11,589. Four may come together five, or six, or ten times a day?—Yes, sir; but the lavatory was used for two wards. This hot-water tank that we have now is used for the four wards, sir.

11,590. In using that bath how many bathed in one water?—Two only, sir.

11,591. Never more than two?—Not to my knowledge, sir.

11,592. The water was always changed after it had been used by the second person?—Yes, and if one man had a skin disease or a rash such water was given; but, provided there was no skin disease, two men used the same water.

11,593. If the bath had been used for a person having a skin disease, was the bath scrubbed?—Well the nurses used to use flannel, sir.

11,594. (*Dr. Legros.*) Was the smell from the sink a bad smell?—Yes, sir.

11,595. Did you often notice it yourself?—Not very often; on a few occasions, sir.

11,596. Was it a small which was constantly observable during the day, or only at certain times?—I only heard the complaints at certain times; only at certain times I noticed it.

11,597. Were you in there when the men went bathing?—Yes, sir.

11,598. Was there much steam in the room?—Some steam, sir.

11,599. And the bed smelt at the same time?—I do not remember noticing it at that time, sir, but there was a bad smell.

11,600. Was that the room in which a prisoner named Lynch was in and in which he died?—Yes, sir.

11,601. Was his bed near the sink?—No, it was at the other side, sir, near the door as you go into the ward.

11,602. Where was the fireplace that you speak of?

The witness withdrew.

MR. HENRY W. HOFFMAN examined.

11,607. (Chairman.) You are the assistant-surgeon in this prison, I believe?—Yes, my lord.

11,608. How long have you been such?—Since last May 13 months.

11,609. Since May '69?—69.

11,610. What are your medical and surgical qualifications?—I am M.B. of Cambridge.

11,611. (Dr. Greenhow.) No surgical qualification?—No.

11,612. (Chairman.) Have you at any time attended the prisoner Rountree?—Yes, I have seen him. He has generally been in a cell in "A" ward, and when Dr. Campbell has not been there I have seen him.

11,613. Do you recollect shortly after your coming here as successor to Dr. Wilson that Rountree spoke to you, and complained about his throat?—I think he did. I have no notes of it. I was quite sure to take notes. I cannot recollect.

11,614. Did he complain to you at all of these being some disease on his chain, which he stated to have been derived from the use of an infected bench and razor at Portland Infirmary?—I cannot remember.

11,615. Do you recollect whether he told you of a cold he had got in '68, and that you had told him he had got slight chronic bronchitis?—I cannot say. If you understand, I took no notes of those things at the time. Dr. Campbell always takes the notes. I took no notes at the time. I have only my memory to go upon.

11,616. (Mr. Broadrick.) Have you any recollection of prescribing a situate of silver lotion for Rountree's throat?—No doubt I have done so, but I have no notes. I was not aware that this enquiry was going to take place.

11,617. (Chairman.) Has he ever complained to you that he was suffering from piles?—Yes.

11,618. Have you examined him?—I examined him once or twice with Dr. Campbell.

11,619. When did he first complain to you, do you recollect?—I think about the time I first came here.

11,620. You examined him with Dr. Campbell?—With Dr. Campbell.

11,621. Did you at any time examine him alone?—Never to my recollection.

11,622. What state was he in when you examined him?—He was suffering from internal piles, but nothing so far as I could see, of any very great consequence, externally, at all events.

11,623. (Dr. Lyons.) Did I understand you to say that you have no surgical qualification?—No special surgical qualification.

11,624. Have you studied surgery?—Yes.

11,625. Did you attend a surgical hospital?—Yes, I attended Dr. Greenhow's hospital. I dressed for Mr. Shaw when I was there.

11,626. (Dr. Greenhow.) Did you?—Yes.

11,627. How long ago?—About two years ago.

11,628. (Dr. Lyons.) Did you make an examination of the hæmorrhoids?—I did not make a digital examination; only an external examination.

11,629. Did you make an ocular examination?—Yes.

11,630. Were they down at the time?—No.

—As you go in from number 2 ward it was between the door and the trough. The bed and the fireplace occupied the space between the door and the trough.

11,631. Where was Lynch's bed?—Directly opposite that, sir.

11,632. (Chairman.) Is there an officer named Humphrey in this prison now?—Yes, sir.

11,633. And an officer named Humphries?—Yes, sir.

11,634. (Mr. Broadrick.) Is he an infirmary wander?—No, sir.

The witness withdrew.

11,631. They were not down?—No.

11,632. What was to be seen?—If I remember right, there was a very slight external pile, but I have seen so many lately that I cannot say. I have never examined him since. I cannot say, but there was nothing as far as my recollection goes, nothing to be remarked.

11,633. How can you testify that there were internal piles if you did not examine?—He suffered from slight bleeding; I am afraid it is more from what I heard.

11,634. I want you to testify what you know or do not know of your own knowledge?—There was not very much to see externally.

11,635. You cannot say whether there was or was not hæmorrhage?—I never examined.

11,636. Did you see any blood in the foreman?—I must have seen some blood.

11,637. Why do you say you "must"?—Because I must have come to the opinion that they were internal piles.

11,638. You had better recollect yourself, and speak directly as to whether you did or did not see them?—Excuse me; I examined them with Dr. Campbell, without using the finger.

11,639. I ask you again, did you see any blood on any occasion?—I cannot recollect.

11,640. Can you remember what you prescribed for him?—I cannot.

11,641. Did you ever prescribe suppositories and an electrolysis for him?—I very likely may; but if you understand, why I cannot remember is this—that I took no notes at the time. Dr. Campbell always did that, and I have only my memory to go upon.

11,642. I only wish to know if you can say whether you did or did not?—(No answer.)

11,643. (Chairman.) We ask you the question because it is stated by Rountree, "Dr. Hoffman" gave me the piles, and prescribed suppositories and "electrolysis," and ordered me more once also?—I have no doubt that I did.

11,644. 5-5-7. (Dr. Lyons.) What suppositories did you order?—If I ordered a suppository I ordered an opium suppository.

11,645. Was that in consequence of his suffering great pain?—From his complaining of suffering great pain. I could only go by his statement.

11,646. You cannot remember what quantity of opium you ordered in the suppository?—Two grains.

11,647. Can you remember what the electrolysis that you ordered him was?—I think it must have been some electrolysis, or leucostome and trench; one of the two.

11,648. Did you ever order him an electrolysis of black pepper?—I may have done so. I cannot say. I have no note of giving him anything.

11,649. Have you any book to refer to?—I have none. I did not know the importance of taking notes in this particular case. I treated him as I did all the other prisoners in the same ward.

11,650. (Chairman.) Do you not take notes generally of the cases you treat?—Yes, my lord; in the wards. Dr. Campbell and I take the wards alternately and we take notes, except in the cases of those

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Fenian prisoners, and Dr. Campbell sees them every day, and he keeps the notes in his own room, and consequently I have not access to them.

11,654. We understood from him that there are four infirmary wards; that you take two and he takes two. Putting the Fenian prisoners for the time out

of the question, did you not take any notes of the cases in those two wards under your care?—Yes, I did.

11,655. You did not do so in the case of the Fenian prisoners only because Dr. Campbell took them under his charge?—Quite so.

The witness withdrew.

Dr. Campbell,
W. F. Roanfree.

Dr. CAMPBELL and the prisoner Wm. F. ROANFREE remained and confronted.

11,656. (Chairman.) Roanfree, the Commissioners have all received and carefully read over a printed copy of the statement which you have sent in, one of which I am holding in my hand. With reference to what you say as regards what happened to you at Pontonville and Portland, we make a note of it and shall proceed with the necessary inquiry from the officers when we go to those prisons. There are some questions relating to what you state with regard to this prison which we should like to put to you now; and as Dr. Campbell is here perhaps I had better first of all ask you with reference to the point at the bottom of page 24 in your statement?—(Prisoner.) I wrote a letter, my lord, this morning to the Commissioners.

11,657. We have it before us. It has been read and considered?—(Prisoner.) I wish to have an answer to that letter, my lord, because this printed copy—

11,658. You shall have it. You will answer my questions in the first place. In the bottom of page 24 of your printed statement you say, "I told Dr. Campbell" bell of the sentence the governor gave me, and said, "two months ago you discharged me from the infirmary; you saw that I was losing blood daily" up to the time of my discharge; I did not lose much then, for I could lie down and had facilities for stopping it; I had better food; now I am losing much blood, for I cannot lie down when I want to get the piles in, or stop the bleeding; I find from experience that the weaker I get—the more impoverished my blood becomes, the more of it I lose." You say that Dr. Campbell then said, "Ah, you complain now when you get into trouble." You said, "He was turning away to leave me when I said, 'Please to look at me, and you will see I have reason to complain.' He looked at the piles and said, 'show them up,' turned on his heel and left me." Now, Dr. Campbell has no recollection whatever of having said that. And you prepared to tell us positively that Dr. Campbell used that expression?—(Prisoner.) Most positively, sir.

11,658. Where was it used?—(Prisoner.) In the punishment cell.

11,660. In the punishment cell?—(Prisoner.) Yes; I spoke to the principal warder about it at the time.

11,661. Who was present?—(Prisoner.) The warder.

11,662. What was his name?—(Prisoner.) I cannot say the name now, it is so long ago.

11,663. Was it Fry?—(Prisoner.) I think it was Mr. Pearce.

11,664. Is Pearce here now?—(Prisoner.) It is a long time since.

11,665. When did this occur, for you do not fix the date of it here?—(Prisoner.) I think, my lord, you will see that there must be a date to it.

11,666. It was after you had been discharged from the infirmary?—(Prisoner.) When I was reported and waiting to be brought up about the report, or after I was sentenced; I do not know which now.

11,667. (Mr. Brodbeck.) You speak of its having occurred in December. Are you sure that it was not on the 23d of November?—(Prisoner.) Whatever day the report was.

11,668. The report was on the 23d of November?—(Prisoner.) Well, whatever day that was; whatever day the report was.

Dr. Campbell withdrew.

11,669. (Chairman.) Just tell us what occurred. You were in a penal cell, were you not?—(Prisoner.) I was waiting. I think I was after being sentenced. If you allow me to read it.

11,670. It is on page 24, at the bottom of the page?—(Prisoner.) Yes, I was after being sentenced by the governor. The governor was after hearing the report. "I told the governor that blood and water" and have bounds to sleep on this cold weather would surely kill me. The governor said, "Speak to Dr. Campbell about that; I have nothing to do with it." Dr. Campbell came to the door of my cell. "The officer who opened the door said, 'Have you any complaints for the doctor?'" I said, "Yes." I told Dr. Campbell of the charge brought against me; that it was necessary to put something on my legs besides the open-worked stockings, from the blood I was losing. The said officer said me very much, and one of my legs had an old wound that I did not wish the first to get at. I told him of the sentence the governor gave me, and said, "Two months ago you discharged me from the infirmary." "You saw that I was losing blood daily up to the day of my discharge. I did not lose much then, for I could lie down and had facilities for stopping it. I had better food. Now I am losing much more blood, for I cannot lie down when I want to get the piles in or stop the bleeding. I find from experience that the weaker I get the more impoverished my blood becomes, the more of it I lose." Dr. Campbell said, "Ah, you complain now when you get into trouble." He was turning away to leave me, when I said, "Please to look at me, and you will see I have reason to complain." He looked at the piles, said, "Show them up," turned on his heel, and left me." That occurred.

11,671. Dr. Campbell, having heard that read, said he did not say those words. Do you still repeat it?—(Prisoner.) I am certain he did. I will swear it if necessary.

11,672. How many warders were present at the time that you say it occurred?—(Prisoner.) The warder that opened my door; one warder, but not I spoke of it afterwards to the officers.

11,673. To whom?—(Prisoner.) To the two wardens, when I was released by the two wardens that came. Mr. Ford, I think the officer's name was. (Dr. Campbell.) He is left also. (Prisoner.) I spoke of it at the time—the next day, or some short time, a few days after to the Catholic clergyman. He visited me. He asked me how I was; I told him that.

11,674. Is that the Reverend Mr. O'Leary?—(Prisoner.) Yes, my lord. I told him that in the presence of two officers. I told him that was the reception I received from Dr. Campbell.

11,675. Dr. Campbell, do you wish to ask any questions?—(Dr. Campbell.) Oh, none, my lord. I totally deny having behaved in such a rude way to him or to any one of them. This man has been excessively rude to me at different times, but he cannot accuse me of rudeness. The other day he was excessively rude about his trap door. He complained to me of having ordered it to be closed after getting the permission of the governor to open it. I had given no order of the kind. The man was excessively rude. (Prisoner.) I will explain all that, my lord, when I go into my statement. I got up these notes. I put these notes into form.

WILLIAM F. ROBERTS'S EXAMINATION resumed.

W.F. Roberts.

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11,676. (*Chairman*.) In page 23 of your statement you say, "The statements we made before Messrs. Knox and Pollock served only to arouse the clamorous animosity of some of our keepers and add to the ever-active, unadvised, infatigable malignity and merciless brutality of others." Now, what facts can you lay before us in support of that statement?—Why, there is a mass of facts through the whole statement.

11,677. Mention any particular fact upon which you can state that in consequence of your statement before Messrs. Knox and Pollock you were treated severely by your keepers?—I feel that the whole or part of the very special treatment I have been subjected to was through the reports and statements I have made from time to time, and that among the others.

11,678. Then you do not wish to add anything to the statement that is made here?—I do, my lord.

11,679. What is it?—I have notes. I have notes. I have notes in correction for the press with this statement. I wrote you that letter this morning, early this morning. If I was aware you would be here to-day I might have it better prepared, but I did not know that you would be here so soon.

11,680. You handed in your statement to us you know?—Yes, my lord, but it is not finished. There is a page and a half of notes that I wish to put into form, and errors of the press that I wish to correct.

11,681. (*Dr. Greenhow*.) How long had you to prepare the statement before you gave it in?—I have had ample time; I had.

11,682. You fixed that you should give it in on Friday night, which you did not do, and a full week after that we received it from you. Therefore you had ample time?—Well, I have lost no time since, sir.

11,683. (*Dr. Lysnes*.) What do you mean by "notes," that you speak of there?—Other things that have come to my recollection since.

11,684. Do you mean additional matter?—Additional matter and notes.

11,685. What do you mean by "notes;" do you mean foot-notes?—Additional matter is the proper word to call it.

11,686. (*Chairman*.) Additional matter of which there are the heads?—Additional matter is the proper word.

11,687. Then the latter part of this statement which seems to be certain heads you wish to explain?—I wish to put these into form and to correct some errors of the press, and some other things that have occurred to me since.

11,688. I should like to ask you—?—My fellow-prisoner, Mr. Dillon, told me that you promised him that he must be allowed to take from or to add to the statement that he handed in—to take from or add to it.

11,689. It was understood that the statement which handed in was to be final?—So I looked over these, and I have a good deal of notes.

The Commission briefly deliberated.

11,690. (*Chairman*.) We do not think it necessary to do more than take you through this last paragraph and ask you do you wish to add anything in explanation of any of those heads that you have put there. You had better take your printed copy of your statement and tell us what the heads are that you wish to be placed before us as matters of complaint. Take the 30th page and begin at the paragraph commencing "Traps shut and why?"—I wish to put them in form. I was not prepared now to make any.

11,691. You recollect what has occurred. You were prepared to read a long statement to us, and we told you that a better way for you and us would be that that statement should be printed and that you should have a copy of it. That copy was sent to you that you might use it in any old statement you might make to us to-day; but it was understood that it

should be a final statement and should include anything you wished to bring before us. This copy was not sent to you to correct the press, but at the same time we give you every opportunity of saying whether you find it is any error in a matter of real importance which you might wish to correct; if so, we will correct it now?—There are many errors of the press that I have marked here in this printed statement.

11,692. But are they important errors? Point them out?—I have put additional matter too. I would wish to have obliterated a good deal of it.

11,693. Point out to us any errors of the press that you say you wish to have corrected?—But, my lord, you will permit me to draw up a statement.

11,694. Will you answer my question, please? Point out any errors of the press that you want to correct?—I will hand the book in and you can see them, my lord.

11,695. You can state what they are, and we will judge whether they are important or not?—I will commence at the beginning of them. There are no very important errors of the press.

11,696. Very well?—But I have; here are small errors, and I have added notes, or added other matter to be inserted here and there through it.

11,697. Substantially, then, this is the statement which you wish to put before us?—This is the statement I have in my hand, my lord, what I have concluded at present; no other statement.

11,698. Do you mean to repudiate this which you have already handed in?—I have 16 pages of this corrected and ready to go to the press.

11,699. Your statement was received by us and sent to be printed. I hold a copy of it in my hand now. You say there is no material error in this present statement?—But there is other matter explaining it that I want to add.

11,700. You want to add certain matters?—Certain matters to be added.

11,701. You can state to us orally anything that you wish to add?—And to put these notes to this, my lord. It would take me some days—some time to do it.

11,702. (*Dr. Greenhow*.) Lord Devon has told you that you can state by word of mouth what you want to say.

11,703. (*Chairman*.) Any statement that you wish to make now will be taken down by the shorthand writer. You hold a paper in your hand. You can add from it any additions you wish to make to this statement. You had better go to page 30 and state anything that you wish to add, or you might read the manuscript over.

11,704. (*Dr. Lysnes*.) What you state now will be printed as much as anything else?—Will you allow me to read the whole as I go on, altogether from the beginning?

11,705. (*Chairman*.) Not from the beginning. Any additions that you wish to make you can read now, beginning at page 30 after the words "slight chronic bronchitis"?—We were in the beginning of the notes, my lord.

11,706. Go on now with any additions you wish to make?—But I have other matter that I wish to add from the very first page.

11,707. Well, go on through the pages and tell us what you want to add. (*No answer*.)

11,708. (*Mr. Broadbent*.) Begin at page 1 and tell us what you want to add?—There is a good deal of matter. The type will have to be broken up for it. In the first page, second paragraph, it is the errors of the press only are on this.

11,709. (*Dr. Greenhow*.) Can you not make your statement of what you have to add to it?—I cannot get through with it rightly with it here I see rightly. You (to the shorthand writer) can look at it and see it is difficult.

11,710. Do not appeal to the shorthand writer.

11,711. (*Chairman*.) Just give it to me, please.

W.F. Brewster. You had better hand it in?—There are sixteen pages I have corrected, my lord. (*Hands in the statement.*)

11,712. You hand it in, and we will examine it carefully with this original statement, and add ourselves all that may be material?—And when I have the others done, my lord, I will forward them.

11,713. Do you mean besides these?—Sixteen are corrected.

11,714. I understand that what you have recorded there is simply a correction of the statement you have put in?—Yes, my lord.

11,715. And besides that, you wish to make certain additions?—Certain additions, my lord.

11,716. Of which, I suppose those at page 30 are the heads?—No, my lord; I have not touched on those at all yet, but through the whole.

The Commission again deliberated.

11,717. (*Chairman.*) The Commission will receive from you now those corrections which you have made going as far as page 16, and will take them now with them and consider them with the original statement which was handed in by you; and if you desire to insert any corrections on the pages between 16 and the end you can do so, but you must do so by Friday next. This goes as far as page 24?—It is an error. Up to page 16 is only done. Please hand me that.

11,718. Very well. If there are any corrections to be made between page 16, and the end of your printed paper, you must send it to us at latest by Thursday night's post. We cannot wait any longer for them, and you must send us at the same time any additions you wish to make. If there are any other points that you wish to bring under our notice in writing you must do so at the same time; for after Friday next, we shall not receive any written communication whatever.

11,719. (*Dr. Greenless.*) What we want is facts and not comments. A great deal of this is comments and not facts.

11,720. (*Chairman.*) We are not by any means pledged to printing all that may be sent to us. We shall exercise our own judgment on that. There are certain questions which we think it will save time by asking you as we go through the statements.

11,721. (*Dr. Lysons.*) Rosentre, did you ever suffer from piles before you were in prison?—No, sir, no, sir.

11,722. Never at any time?—No, sir. I had some slight thing some years previous, but it went away.

11,723. Did you ever suffer from piles before your admission to Montagu prison?—No, sir.

11,724. (*Mr. Bradrick.*) Do you state distinctly that on the first occasion when you asked the doctor for fannel at Pentonville, he refused to let you have them?—Yes, sir.

11,725. (*Chairman.*) How soon after did you get them at Pentonville?—The third or fourth day after I mentioned it them.

11,726. Yes, the third or fourth day after it was refused?—The fourth day.

11,727. (*Dr. Lysons.*) Are you positive that when you asked for medicine, it was said to you, "You cannot get everything; if you want medicine, you cannot have exercise, so take your choice"?—I am positive, sir.

11,728. You are quite positive?—Yes, sir.

11,729. (*Chairman.*) Who was by when that was said to you?—I think it was the infirmary principal warder.

11,730. That took place at Pentonville?—At Pentonville.

11,731. (*Mr. De Vere.*) Do you know his name?—I do not know his name. I do not know the names of hardly any warder except one or two that came to me.

11,732. (*Dr. Lysons.*) Are you sure he was present?—Yes, I am; he was present on those occasions. He was always present.

11,733. (*Chairman.*) You say that while you were at Pentonville one day, the flicinse came to your cell, and as soon as the door was opened, recollect, saying, "Why don't you open the window?" and that he looked, and saw there was no way of opening the

window; and you say that in the other prisoners' cells there was a way of opening the window. How do you know that?—I explained it in the statement, that on my way to exercise, I looked in.

11,734. (*Mr. Bradrick.*) Do you now state that there was no way of opening the window of your cell?—Yes.

11,735. That the window was incapable of being opened?—I explained how it was there; two panes I think overlapping.

11,736. (*Chairman.*) "Two or three half-panes" overlapping each other about one-twelfth of an inch apart, was its only ventilation and this small space

"was choked with dirt"?—Yes, my lord.

11,737. (*Mr. Bradrick.*) That was the only possible opening to it?—The only possible opening.

11,738. (*Mr. De Vere.*) Was the outside of the window ever cleaned?—Never cleaned. It was double barred. This window was double barred. The other windows had single bars. This window had extra bars. I explained that it was in an angle of the building.

11,739. (*Chairman.*) You say that in your cell the seat you had was a three-legged stool; the legs of which protruded through the top a half inch or so, which made it impossible for you to sit without a cushion; that the deputy-governor prevented you from sitting on some coarse stuff that you were stitching, and told the officer to report you if you sat on it again, in consequence of which you had to sit stiff standing, not being even permitted to rest your back against the wall. You say that one of the officers said to you, "You have plenty of coarse cloth, then why don't you make a cushion of some of it." What was his name?—Well, I might do the man injury if I gave his name. I would give his name, but I might do him an injury. In fact I know his position in prison, but I do not know his name. I could point him out distinctly, but if I did it would injure the man.

11,740. With reference to a letter from your wife which was received at Pentonville, how do you know that a letter was written at the particular date? Did you receive the letter?—I explained that to my lord. If you allow me my sheets I will read them for you.

11,741. It is in page 4, about the middle of the page?—"My wife was sick when I was leaving B. Duffin. The governor of Pentonville received a note from her requesting him to let me know that she was better. She enclosed a stamp for reply, or if it was against the rules, to return her own note to her. The governor kept this note, and when I had written my reception letter handed it to me. A note from my brother and wife came in answer to mine. The governor returned them both, not letting me know anything about it. It was six or seven months after that I heard from my wife and heard of her recovery."

11,742. Are you positive that it was six or seven months after you heard of it?—That I heard from my wife?

11,743. Are you quite certain as to the length of time?—I am fully certain of it, my lord, and you will see in another part of this statement when I did hear it, the first letter I received after that.

11,744. (*Dr. Lysons.*) Who was the warder who compelled you to put out your fannel shirt and leave it outside along with the rest of your clothes?—I cannot say the name of any of the warders, because we have strange warders on night duty. These men were on night duty, and I did not know the names of any of them. I was only three months at Pentonville, and had no opportunity of knowing the names of any of them.

11,745. (*Mr. De Vere.*) Were you obliged to put out your fannel shirt every night?—Only when one was on duty.

11,746. And what did you wear when that was put out?—This kind of shirt (showing the shirt he had on); what I had for three or four nights after my arrival at Pentonville.

11,747. (*Mr. Bradrick.*) After you had written

your reception letter, as I understood, a letter from your wife was handed to you?—Yes.

11,748. But that letter was not written in answer to yours?—It was in the prison before when I was sent away.

11,749. I understand that your complaint is that in answer to your reception letter you were not allowed to receive anything for six or seven months?—Yes, because this was given to me as an answer. I was aware that my wife was ill on my leaving Dublin.

11,750. At the bottom of page 41a, "I told Molashy the officer in charge of the wash-house." Is that name right?—No, that is an error of the press.

11,751. (Dr. Lysons.) What is the proper name?—I do not know his name, sir; I do not know his name. He was a wander; he was in charge of the wash-house at the time I arrived in Portland. You will easily get, by referring to the book, the name of the officer.

11,752. Are you positive that Dr. Bason said, "You will get nothing else; go," when you told him you wanted something else to stop the bleeding?—I am positive, sir.

11,753. (Mr. Broadrick.) When you wrote your reception letter at Portland how did you know that it was suppressed?—I have it, sir.

11,754. You have it?—I have it with me.

11,755. Were you told at the time that it was suppressed?—I was told at the time that it was suppressed.

11,756. Were you told why it was suppressed?—For making complaint; for speaking about the prison and complaints of my treatment in Pentonville.

11,757. Were you told why the next was suppressed?—For the same reason; it is marked. The objectionable part of it is underlined with red ink. This is the part that is underlined; I will read it if you wish.

11,758. (Chairman.) Just read it?—"I am as well as can be expected. From confinement and want of proper treatment the piles have taken a great hold and are very painful. I could get no medicine for them in Pentonville unless I would forbear my daily exercise, till I lost all blood I was unable to take any. The doctor then very humbly stopped the bleeding. The doctor is now giving me an electrolytic which would have cured me if I had the good fortune to be left alone. Do not be alarmed; I am in good spirits."

11,759. That is underlined?—It is underlined. There is another?—I am told we were sent here for the good of our health. I cannot see it. If they sent us to 'Kingham House' I for one would rejoice. That is underlined too. The governor has a note there.

11,760. (Mr. Broadrick.) The note is?—"I impress this letter its contents being objectionable: letter writing stopped for 14 days," signed by George Clifton the 6th of June '67.

11,761. (Dr. Lysons.) Do you know anything about what you state of a conversation Mr. Clifton had with one of the wanderers when Mr. Clifton stated "take these or fear of them before me." Did you hear that yourself?—My fellow-prisoner went up and reported it. I will tell you why I could not hear it. He was some distance from me, and my fellow-prisoner, Mr. Casey, was sitting under the drawbridge, and the governor did not see him for he broke his finger and was sent out of the hospital with his finger in a sling before it was quite well, and he was sitting down breaking stones with his one hand, and he heard this and he came over and he told us.

11,762. (Mr. Broadrick.) When you came before the Director, as you mention in page 6, did the director tell you that you had no address, for I find you state this in your petition to the Home Secretary?—Yes, sir.

11,763. He told me I had no address, yet the officers were removed and others placed over to me?—Yes, sir. I am certain that he did say that to me. I think I do mention it in some part of this statement,

but I wrote the most of this before I received any of those documents and I had nothing more than my memory to go by.

11,764. (Chairman.) Yes, it is stated at the bottom of page 6.

11,765. (Dr. Lysons.) You say that on one occasion one of you was asked what he had to say to the charges brought against him; that he replied it was false, and that any of his fellow-prisoners could say the same as they heard all that passed. Did the governor on that occasion say in your hearing, "Do you think I would believe you convicts?"—Not in my hearing. I mention the name of my fellow-prisoner.

11,766. Can you testify to it of your own knowledge in any way?—I could not hear it. I could not give any testimony as I did not hear it; but I am certain Byrne would not tell an untruth.

11,767. (Mr. Broadrick.) Did you hear that other expression of the governor, "You are all here for the greatest crime known to the law, deserving of a punishment, here and hereafter?"—He said that to Mr. Holigan, another of the prisoners.

11,768. But not in your hearing?—Not in my hearing.

11,769. (Chairman.) You mention that you were on one occasion visited and questioned by Dr. Blake and Dr. Bason, and that Dr. Blake turned to you, and said, "Now you may write to the Secretary of State or whom you like." Are you quite sure of that?—Yes, my lord; fully certain of it.

11,770. (Dr. Lysons.) You say that Dr. Bason, when he saw the piles, said, "What a stupid man you are; why did you not show me these before?" Are you sure that that occurred?—I am fully sure of it.

11,771. Did Dr. Blake say to you, "You have a fine haunch here?"—I am positive of the words.

11,772. (Chairman.) Who was by?—I think Dr. Bason was present.

11,773. (Dr. Lysons.) Was any wander present?—I could not say what wander was present.

11,774. Was there some wander present?—I think it was Gunning, for this officer Mr. Gunning said to me he wondered how I could walk at all or do any work.

11,775. Who said that to you?—Mr. Geoghegan, and I say he might have seen it, for he said that to me one afternoon. Whether it was after he saw Dr. Bason or Dr. Blake examine me I do not know; but he said it after one of them, that he wondered how I could walk or stand or do any work at all.

11,776. Gunning said that?—Yes.

11,777. (Mr. Broadrick.) Are you quite sure that when you were seen by Capt. De Cose, Dr. Blake said, in reply to him, that you were very bad and losing large quantities of blood?—I am positive on that; positive on that.

11,778. (Mr. De Vere.) Did Grimes speak of that infection having been communicated to you, not by the razor, but by the brush?—I heard it passing between them. In what page is it?

11,779. The bottom of page 8?—Yes, here it is: "One day at exercise the compounder called one man over near to where I was exercising to apply a sulphur lotion to the sores. I heard this man say, 'I got this disease, whatever it is, since I came into the infirmary, by using an infected razor.' Mr. Grimes was standing by, and said, 'The razor could not give it to you; it must have been the brush.'"

11,780. Did you hear him say that?—I am certain of it. The compounder was applying on this prisoner at this time.

11,781-2. What is his name?—Hollman. He was applying a lotion to the man's face. Mr. Grimes was standing by. He was only a few days there at the time. Whether he took notice of it or not, I cannot say.

11,783. (Dr. Lysons.) Did Dr. Blake tell you that the piles were incurable?—He did, sir; immediately after applying the nitric acid the fifth or sixth time.

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The fifth application, I think it was, or the fourth ; the fifth, I think.

11,784. Did Dr. Bann tell you that your liver was affected?—He did, sir.

11,785. Did he say that if you were out of prison, your own master, you might be cured?—He said that, and Dr. Blaker sitting with him at the table in the office, when I was called in about the letter.

11,786. (Mr. Brodick.) Do you mean to say that Dr. Blaker had the letter before him?—He had, in his hand. All the letters written by infirmary patients are handed to the doctor. The other doctor was sitting alongside him.

11,787. (Dr. Lyons.) Did Dr. Blaker say to you, "You may well dread the coming winter"?—Yes, sir.

11,788. Did he further say, "When you have done those years in prison you will be very little use"?—He did.

11,789. Who heard him say it?—I was the only one that heard him say it. He came to my cell. There was an officer unlocked the door for him. The officer could not hear him. I could not say whether the officer heard it. He was referring to what passed between me and my wife. I said that to my wife. I had a visit from my wife the day before, and I said that to my wife.

11,790. (Mr. De Vere.) You say that Warden Harding used to come into your cell frequently during the night, and shake you up if you were asleep?—Yes, whenever he was on duty.

11,791. What kind of a cell were you in at that time?—There are two or three cells in the infirmary.

11,792. You were in the infirmary at that time?—In the infirmary at that time. There are two or three cells in the infirmary, and I was in one of them.

11,793. Describe in what way he used to wake you up?—I do so in this here. What page is it here.

11,794. I am on page 10; but just consult your memory about it?—Well, he would open the door, come up and put his hands sometimes and check me that way.

11,795. When you were asleep?—If I was asleep, or I would be dozing asleep probably, when he would come, and he would shake me up, and say "Is it all right?" There was a little window looking into the cell, and there was the gas lighting outside. The other officers would come into the corridor, turn on the gas, look in through the spy-holes, and pass on; but he would come up to my bed, wake me up, shake me.

11,796. Are you certain that he did not do the same to the other prisoners?—I am certain he did not, because there was a prisoner in the adjoining cell and I never heard him disturb him.

11,797. (Chairman.) Was he one of the Irish prisoners?—No, sir; he was a criminal.

11,798. (Mr. Brodick.) Did you ever complain to the governor about it?—I did not to the governor or doctor, but I complained to the director when he came.

11,799. Did the director ask you why you had not previously complained to the governor?—He did, sir. I say that here in my statement.

11,800. (Chairman.) You say, "The director said "I should have complained to the doctor or governor." I was about to tell him why I did not do so, when "my door was shut by Mr. Smart, while the director was listening to something the governor was saying "to him"?—Mr. Smart that should be; that is an error of the press.

11,801. (Dr. Lyons.) Is Harding an old man?—Harding is an old man.

11,802. Is he a very old man?—No; he is quite an active man, principal warden.

11,803. (Mr. Brodick.) You did not complain to the governor, but did to the director?—When the director came, I say here.

11,804. (Chairman.) You were about to tell the director why you had not done so when the door was shut on you by Mr. Smart?—By Mr. Smart, the principal warden of the infirmary. I say here, "I was

"about to tell him why I did not do so, when my "door was shut by Mr. Smart, while the director was "listening to something the governor was saying to "him."

11,805. (Mr. Brodick.) Then your complaint to the director was when he came to see you in your cell. You did not go before him?—I did not go before him; he came to my cell door. He visited all the wards in the infirmary as a custom.

11,806. Why had you not complained to the governor?—Well, from my experience of governors and the governor himself. I speak in some part of the statement of what he said to me. It is in some part of this statement. Here it is:—"Another day the "governor came to my cell and said, "Bannister, when "are you coming out of this? You looked better "when you were in the quarry. Plenty of hard "work would cure you." These are words that he used at different times to me, not all at the same time.

11,807. (Dr. Greenham.) Did Dr. Blaker at any time tell you that you showed an evil temper?—Yes; I say so there in the statement.

11,808. On what occasion did he say so to you?—I mention it in the statement.

11,809. Mention it now. What reason did he give?—Please to tell me the page.

11,810. Page 11, below the middle?—Will you please to let me read the whole sentence?

11,811. (Chairman.) Read on?—"The Scripture "reader or the chaplain came to my room daily to "read prayers. My first day in the room I was "reading a book when the Scripture reader came. "He stopped reading, and drew the attention of the "warder to my book. The warder ordered me to "lay the book down and pay attention to prayers. I "did so mechanically, but took it up again. I was "repeated. Mr. Smart spoke to me. I said to Mr. "Smart, "I showed no disrespect; I was reading a "book when the reader came. I did not change my "position, I did not speak. I am, I suppose, the only "Catholic in the room. What more do you require "of me? Would you have me join in the prayers, "what no other prisoner present did, as far as I could "see or hear?" Smart replied to me. Dr. Blaker "said I showed an evil temper, and said to the officer, "Make this man make himself useful here."

11,812. (Dr. Greenham.) Was Dr. Blaker present?—Dr. Blaker was not present. Mr. Smart replied to me, but Dr. Blaker on the next day or soon after said to me that I showed an evil temper.

11,813. Did he say that in reference to this particular occurrence?—I considered that that was the case. I asked him at the time, "Please to tell me when have I done so, or what you have I done so?"

11,814. What did he say?—He said he was not there going to enter into any discussion with me.

11,815. How many days after the occurrence described did he make that charge?—I cannot say.

11,816. It was several days, was it?—No, it was not several days.

11,817. Was it the following day?—I cannot positively say, but it was not several days. It may be the following day, or two or three days after it.

11,818. Where were you at the time?—I was at my bedside.

11,819. Listen to my question before you answer. Where were you at the time that Dr. Blaker made that remark?—I was at my bedside.

11,820. Were you in the hospital?—In the hospital; in the infirmary wards.

11,821. Had you been doing any work up to that time?—No work. It must have been the day after, because I did no work, or was not asked to do any work.

11,822. Were you discharged from the hospital on that day?—I was not. It was to the hospital office, in the ward of the hospital, that he told me to do the work, and I describe the work that I was put to.

11,823. What work were you then put to?—What page is it, sir, please?

11,824. (Chairman.) Page 11?—"Next morning

"brushes were given to me, and I was ordered to go
"round the room to clean and polish the shoes of the
"prisoners that were lying in bed and arrange them
"at the foot. Other mornings I had to wash their
"urinals, to wash the watercloset, to clean the dinner
"time, to throw out the ashes, to sweep the floor; and
"wash the cupboards. These were my varied occu-
"pations during the remainder of my stay in
"Portland."

11,835. (*Dr. Greenwood.*) Who had done that duty before you?—I cannot say.

11,836. Was that duty done by prisoners?—There were orderlies, sir.

11,837. Were you appointed an orderly, then?—I was not, sir.

11,838. How long did you go on doing that work?—Ever afterwards while I was in the infirmary up to the day of my discharge.

11,839. How long were you in the infirmary after that?—I left the infirmary for this prison on the 3d of February.

11,840. How many days did you do that work?—I was some months. I cannot positively say the time, but I think in December I was moved in from the cell into the ward. I was there ever afterwards, so that it must have been some six or seven or eight weeks; six weeks, at least, I think.

11,841. During the whole of the time that you remained in the infirmary?—During the whole of the time that I remained in the infirmary.

11,842. And you performed those duties?—I performed those duties. The officer that Dr. Baker told this to said to me afterwards when the doctor left, "I was very near making a great blunder," he said, "for I was just going to say that you were not scolded for any work."

11,843. (*Chairman.*) Do you recollect when on one Monday the governor sent for you and told you you were charged with irreverence and talking in the chapel on the previous Sunday, and asked you what you had to say to the charge?—Yes, my lord.

11,844. You said that you were incapable of irreverence, that you had cultured into no conversation with anyone, and that if your fellow-prisoners asked you how you were you would of course answer them?—Yes, my lord.

11,845. Had they asked you how you were?—Whenever they had an opportunity at the chapel they would.

11,846. There had been some conversation?—One of my fellow-prisoners was reported, I heard, not from himself, because I never had any opportunity of seeing any of them after, but one of them that came to the infirmary told me after that one of my fellow-prisoners was reported for speaking to me, and he got one day's bread and water for it.

11,847. And you got three days' bread and water?—I got three days' bread and water.

11,848. You also forfeited marks and were put in probation class?—That is what I say there, my lord. This, by forfeiting marks and putting in probation class, deprived me of the privilege of writing or receiving a letter or receiving a visit for five or six months, which is a greater grievance than any other.

11,849. In point of fact you had spoken?—I had, my lord; I did.

11,850. In consequence of that you say that you were locked up in a punishment cell?—Yes, my lord.

11,851. You say that the Sunday after that occurred you were not allowed to mass or prayers, or on any day during the remainder of your stay in Portland?—That is true, my lord.

11,852. Were you in a punishment cell the whole of that time?—I say here, my lord, that I was released.

11,853. You were taken back to the infirmary?—I was taken back to the infirmary.

11,854. And did you never go from the infirmary to mass or prayers?—Never after, my lord.

11,855. When you were in the infirmary before that had you gone to mass?—I had, my lord, on every Sunday.

11,846. (*Dr. Lyons.*) Did the other prisoners in the infirmary at the same time go to mass?—Why, my fellow-prisoner that came into the infirmary some time after was allowed to go to mass, and I was not.

11,847. For how long did it continue that you were not allowed to go to mass?—Up to the day that I was forwarded to this prison.

11,848. (*Mr. Swadick.*) Were you told that you were not to go?—No. As I said, I was told that I would not be allowed to go; that is all.

11,849. (*Mr. De Vere.*) Do you remember the scripture reader coming into the room in which you were to read prayers daily?—I do.

11,850. You say "the scripture reader or the chaplain." What do you mean by chaplain; is it the Protestant chaplain or the visiting priest?—The Protestant chaplain.

11,851. Describe what took place when he came in?—On what page is it, sir?

11,852. Page 11, one-third the way down?—"The scripture reader or the chaplain came to the room daily to read prayers. My first day in the room I was reading a book when the scripture reader came. He stopped reading and drew the attention of the warder to my book. The warder ordered me to lay the book down and pay attention to prayers. I did so mechanically, but took it up again. I was reported. Mr. Smart spoke to me. I said to Mr. Smart, 'I showed no disrespect; I was reading a book when the reader came: I did not change my position; I did not speak.'"

11,853. How many were in the room at the time?—14 or 15.

11,854. Were they all so near one another that they could hear what the scripture reader or the chaplain said?—Yes; the room is not much larger than this, and all beds alongside, and everyone sitting at their bed.

11,855. Which was he doing, preaching, praying, or reading to them?—Reading and praying.

11,856. What book was he reading out of to them?—I think it was a Bible; I am not sure, or a book of Common Prayer. He had a desk, and I was about that distance from him.

11,857. Were you the only Catholic that was in the room?—I was not 20 minutes in the room, and I could not say what they were; but I think I was the only Catholic in the room. They were all criminals. I do not know what they were. I was in that room until I left. I do not think there were any Catholics in it.

11,858. Were you asked to join in the prayers or reading that took place at the time?—Except by reporting me—the fact of reporting me.

11,859. Were you at that time registered as a Roman Catholic on the prison books?—Yes. The fact of reporting me for insubordination to prayers. All the rest as I said: I had a book in my hand, and the scripture reader stopped his prayers and spoke to the warder, and the warder ordered me to lay down the book and pay attention to the prayers.

11,860. Did the scripture reader know you were a Roman Catholic?—He must have known it, because myself and my fellow-prisoners were all Catholics.

11,861. Did the warder know you were a Catholic?—Certainly; he must have known it.

11,862. Were you punished in any way for attempting to read while the prayers were going on?—I was reading at the time.

11,863. Were you punished for it?—Except so far as this; because I asked Dr. Baker when he said that to me. I asked him to show any evil temper that I showed.

11,864. You say you were reported for it?—Yes, because Mr. Smart, the principal warder of the infirmary, came in and reprimanded me.

11,865. To whom were you reported?—To Mr. Smart, the principal warder.

11,866. And he reprimanded you?—Yes, he reprimanded me.

11,867. Can you recollect what he said to you?—

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He said I should pay attention to the prayers. He took a small label off the wall and told me to read that:—"Catholics, if they do not join in prayers are requested to pay attention and act with becoming conduct." I think that was it. I said, "Well, I did not act with any unbecoming conduct."

11,868. Had you in any way interrupted the service that was going on?—No, no. I never spoke to a prisoner. I did not speak to a prisoner since I came into the ward. I did not open my lips to any of them. I was after being taken out of my cell and I took up a book to read.

11,869. Did you ever make any representation about it to the Catholic priest?—I did, sir. I did, and he didn't. I must have told the priest about it. I have told the priest about it.

11,870. (Chairman.) What is his name?—Father Poole, the Reverend Mr. Poole. I was for three weeks there, and after my admission to the infirmary I had no book whatever, nearly three weeks. I asked for books and the warden provided me with an *Exeter Hall* lecture and lectures from missionaries amongst the Jews, and such books. I told him that such books did not interest me, and I asked him to give me any others. He said "that is all that is in the infirmary," so I spoke to the Governor and spoke to the priest. I asked the warden to tell me when the priest visited. I was nearly three weeks, two weeks at least, before I saw the priest, and I asked the warden. I asked the warden, and he told the priest to come to me, that I wanted to speak to him, and I told him then, and he said he had nothing to do with the books. I spoke to the Governor then, and he told me speak to the priest. I told him I did, and I told him what the priest said; so he said he would speak to the priest. The priest came to me and told me again he had nothing to do with the books. I showed him in fact passages in some of the books that I had before me; one book was all that I had at the time, I think.

11,871. (Mr. De Vere.) Books that you objected to.

11,872. What books did you get at last?—I asked for some books then. I asked for books and got some books then. Once a fortnight I got some books; whatever I asked for.

11,873. If you had asked for certain specific books in the first instance, if you had known the rule and been able to ask for them, would you have got them?—I asked the warden of the infirmary, and he told me he had no authority to give me any other books; that there was a certain number of books sent in for a certain time to the infirmary. I think once a month. These books were selected every month, and then the librarian would come and give others, and take these away.

11,874. Are you aware whether there were many other Roman Catholics in the infirmary besides yourself at that time?—I cannot say.

11,875. Do you know whether there was any?—I cannot say. Oh, the priest used to visit it; so there would be other Catholics. The priest used to visit.

11,876. Did you ever hear any other Catholics complaining about books?—I did not. I never spoke. We were not allowed. I never spoke to a prisoner while I was there—any prisoner but my fellow-prisoners. For the length of time I have been in probation I never spoke to one of them.

11,877. (Dr. Lyons.) Did you complain to the Rev. Mr. Poole about your not being allowed to go to mass?—I did, sir.

11,878. Are you quite sure of that?—I did, sir. I allude to that again in another part of this statement, because the Rev. Mr. Poole himself asked me on another occasion on Sunday how I was in the chapel.

11,879. (Mr. De Vere.) At the top of page 14 you say that you thought it very hard to compel you to listen to the chaplain or scripture reader every day, and not allow you even once a week to bend the knee before the altar you were taught to worship at?—Yes, sir.

11,880. (Mr. Bradrick.) What reply did the Rev. Mr. Poole make when you complained to him?—He said he could not do anything. He said he had nothing to do with it. I think that is barely, so far as I could judge. I knew I was not allowed to go. I say here, "The priest was kind enough to speak to me on one Sunday. If it was improper to answer my fellow-prisoner it was also improper to answer the several gentlemen when he spoke to me, and it was more improper on his part to speak to me."

11,881. Your statement about the letter to your wife does not appear quite so clear. As I understand, you had a visit from your wife in January 1867. Is that so?—In the November previous.

11,882. You then speak of an application that you made to the board of directors. What application was that?—The Governor said, it is an error of the printer here; that should be a question.

11,883. The Governor spoke of an application made by himself?—Yes, sir.

11,884. That makes it clear. Then, as I understand, you had written to your wife before her visit?—It is my letter—this very letter—this very letter that the doctor spoke to me about, that brought my wife.

11,885. I see then that the letter was sent after all?—That letter was sent.

11,886. Your wife received a letter and came to visit you?—Yes, and she came to visit me.

11,887. And you claimed the right to receive a reply from her after her visit?—Yes.

11,888. Did you, after receiving that intimation from the governor, write another letter?—I wrote another I see here.

11,889. And did the governor tell you that he suppressed that letter?—He said, I suppress the letter.

11,890. Did he give you any reason for suppressing it?—None whatever. He gave with it in his hand, and he said, "I suppress this letter, and will not allow you to write again for," I forget how many months he said.

11,891. Have you got that letter?—I have that letter here, sir.

11,892. (Chairman.) Produce it, please?—It is a letter to my wife.

11,893. Is there any portion of it marked?—No portion of it marked.

11,894. (Mr. Bradrick.) What is the endorsement on it?—"3rd of 11th month." This is what he has written on it: "I suppress this letter, its contents being very objectionable. George Clifton."

11,895. (Dr. Greenhouse.) What is the date of that letter?—The 23d of November '66.

11,896. (Mr. Bradrick.) The endorsement on it is: "I suppress this letter, its contents being very objectionable. George Clifton, 24 November '66." He goes on to: "And you have not confined yourself to matters in accordance with the printed instructions on the other side—writing stopped for six months." Then you received no answer to that letter which you had formerly written to your wife previous to her visit?—No, sir.

11,897. And did the Governor say that when it did come you would not get it unless there was bad news?—He did one day in the infirmary. I asked him what he came in to visit the ward. In the presence of all the criminals he said it.

11,898. You further complain, as I understand, that in consequence of the Governor's deduction from your marks, you were even when you came to Woking deprived of the privilege of writing letters. Do you not state that your privilege of writing or receiving letters at Woking was limited by his decision?—Wholly on that account.

11,899. Explain that?—By depriving me of the marks and by keeping me in probation class.

11,900. At what time did he deprive you of the marks?—The very fact of saying "I will not allow you to write for six months." I could not write for six months after that.

11,901. Did that prohibition continue to operate when you came here?—It did; the depriving me of marks at the time I was reported.

11,902. Was that when you were reported for talking?—When a fellow-prisoner asked me how I was.

11,903. (*Dr. Greenhow.*) Do I understand that you received any other punishment for writing that letter which was suppressed besides the suppression of the letter?—Depriving me of the privilege of writing another letter for six months; that is a great punishment, depriving me of hearing from any friends for six months, or receiving a visit for six months.

11,904. (*Chairman.*) What class were you in at that time?—I must have been in probation class.

11,905. (*Mr. De Vere.*) On what occasion was it that Mr. Clifton, the governor of Portland prison, said to you, "I will keep you from writing"?—What said it is it?

11,906. Here take my copy and look at what you see there on page 25?—That was the very day of my leaving, when he called me up.

11,907. Was that when you were leaving Portland and going to Woking?—Yes. I will go back to page 13. "On the 7th of February, 1867, I got an intimation that I was to be removed from Portland on the following day. I was taken to the governor's office, and the governor said as soon as he saw me said, 'You are reported by order of the director, Mr. Pagan, for "kicking your door on the 5th of December 1866."'

11,908. We do not want to hear that now. I will put a few questions perhaps clearer than you have it there. How long after his suppressing the letter was it that he said the expression, "I will keep you from writing"?—It was in November he suppressed the letter, and this was in February, on bringing me down from Portland to Woking.

11,909. Did you understand by that that he meant the six months' suppression of writing would operate for some time after you got to Woking?—Keeping me in probation class so many months, and having to see so many marks would keep me five or six months longer from writing.

11,910. (*Mr. Brodick.*) When the governor made that remark to you on the day before you came to Woking, did he make the remark in consequence of your declining to answer any charge? Was it a punishment for your obstinacy on that occasion that he said he would keep you from writing?—As a punishment for the charge, the report that was against me.

11,911. Kicking the door?—Yes, kicking the door. I entered into that fully in another part of the statement. Kicking the door by asking for me interview with the director.

11,912. As a matter of fact, how soon after that interview with Governor Clifton, the day before you left for Woking, had you the liberty to write?—When I arrived in Woking I was permitted to write my reception letter. I speak of that here, a reception letter that this punishment will not interfere with. I was allowed to write it on my reception, and it was suppressed.

11,913. But you wrote another?—The deputy-governor suppressed it and told me why he suppressed it was because I spoke of my disease. You are not allowed to speak of how you are. I am not allowed to tell my friends for years how I am.

11,914. How soon after that were you allowed to write again?—I think I have it. I applied again when I thought I was due for writing, about three or four months. I was told I could not write until some time next year.

11,915. Were you out of probation class by the time you were allowed to write?—I was not out of probation class. I did not get—I was not taken from probation class until I was more than a year—more than a year, no, September, I think it was, or October, when I was taken from probation class; but I should be six months in the third class before I was to write a letter at all after getting into it.

11,916. (*Chairman.*) In page 16 you say that out

of the 88 hours that elapsed from the time you entered your cell on Saturday night until you left for the quarry—on Monday morning you went 37 in that cell. Is that so?—On Sundays, my lord.

11,917. How often were you allowed out of the cell?—In one part of my statement I say the length of time that we were out, and how that time was occupied.

11,918. Do you mean that you were allowed out only once during that time for the purpose of going to the cloaks?—That is all, my lord; once. I describe it; it is in page 16.

11,919. And that is a correct statement, is it?—It is correct. "We had no prize for some time after our arrival in Portland. We had one hour for exercise on Sundays, but none for payers. About 9 a.m. we left our cells, marched off a few yards distance to a kind of *en-de-ars* about 100 yards in length and a few feet in width, with a high wall on one side and a high mound on the other. In this alley we were drawn up in lines, cap in hand, to 'attention,' with no other a hot sun shining on our bare heads. We often had to wait 20 minutes and were in this position till the governor and doctor were pleased to come and look in our faces. As soon as the governor left us, and this exhibition over, we were ordered to the cloaks at the end of the alley, and warned that 'Now was our time; if you don't go in to the watercloset now recollect you cannot go to the one in your ward, so avail yourselves of the opportunity while you have it.' We were 23 in number; one-half of the hour would have expired ere this order could be borne. Some would be drawn up in a line outside the cloaks waiting for their turn. The remainder were permitted to walk up and down the alley, two by two, with assist unless not to speak to the men behind or before you. At the expiration of the hour, before 10 a.m., we were back in our cells, and locked up till near 7 a.m., on Monday morning."

11,920. (*Mr. Brodick.*) Do you distinctly state that out of the one hour allowed the exercise a part was taken up by the inspection held by the governor and doctor, and a part by retirement for purposes of nature?—This is correct as I have written it.

11,921. (*Dr. Lysons.*) Were you locked up by officer Greening, as stated in page 16?—I was.

11,922. For how long were you locked up?—I was locked up at noon, and I was taken out at noon the following day; I looked up in my cell.

11,923. That is, you were locked up 24 hours?—24 hours.

11,924. Were you on any other occasion so locked up for 24 hours?—That was the only report that was ever against me.

11,925. (*Dr. Greenhow.*) You state that a man may be locked up one, two, or three days. How do you know that?—If the governor wished to reward the one I would have been locked up until the following day, as it has occurred here with me in this prison.

11,926. (*Dr. Lysons.*) That will explain the question I put to you while ago. Were you locked up in this prison?—I was.

11,927. How long?—I was locked up 24 hours, and taken before the governor, and he remanded the case. I was locked up 24 hours again, and brought up the following morning. The Commissaries, Messrs. Pollock and Knox, came here. I was taken back to my cell.

11,928. (*Dr. Greenhow.*) During the two days you were so locked up what food had you?—The ordinary food.

11,929. No change was made in your food?—No change.

11,930. Were you allowed to exercise?—No exercise.

11,931. Then the locking up consisted of being kept in your cell and not allowed exercise. In all other respects you were treated the same?—I was treated the same. They take out everything from

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you such as table, bed, and things; you must put everything outside the cell door.

11,932. Is that done when you are under report?—Under report: yes.

11,933. Are you allowed books when you are under report?—Yes, unless you get bread and water. They take the books from you then.

11,934. If you get bread and water you are not under report, but under punishment?—Yes.

11,935. (Mr. Brodick.) You speak of the charge against you having been pending more than 48 hours. Were you locked up during all those 48 hours?—Yes, sir.

11,936. The case having been remanded?—Yes, remanded more than 48 hours.

11,937. (Mr. De Vere.) You say on page 16, "When a prisoner is reported he is locked up a close prisoner till the case is decided, which may be one, two, or three days; perhaps longer."—Yes, sir.

11,938. Therefore, when a prisoner is under report, before he is tried he may be shut up in his cell for three days, having been once remanded?—Yes, sir.

11,939. He may be for 48 hours shut up, as I understand you, without being remanded?—I have been more than 48 hours remanded. No, I was taken up after 48 hours, and remanded and taken up again.

11,940. Then there must be a remand after every 24 hours?—There was in my case, but there are men remanded for the director, and they are locked up. It never occurred to me, but it did to the other prisoners. They are locked up until the director comes, which may be weeks.

11,941. (Chairman.) Is that what is called being "under report"?—Under report.

11,942. (Mr. Brodick.) Is the prisoner allowed to take exercise in such cases?—As it never was the case with me, I cannot positively say. I think they are allowed one hour's exercise after the third day or so. I am not fully certain.

11,943. (Mr. De Vere.) In what respect does the condition of a prisoner when awaiting his trial and under remand differ from the condition of an ordinary

prisoner?—He is deprived of exercise, and locked up in close confinement and deprived of exercise.

11,944. (Mr. Brodick.) I have in my hand these two documents for which you asked, one a petition to the Home Secretary, and the other a statement to the Board of Directors. When was this petition to the Home Secretary drawn up?—In August '67.

11,945. Was it ever forwarded to the Home Secretary?—I cannot say. I cannot say, because the governor told me, "You need not hope that this will go to the Secretary of State."

11,946. Have you ever received an answer to it?—Some time after the deputy-governor said, "You wrote a statement?" I said, "Yes; and" "There were no grounds"—that was the answer I got. Whether it went to the Secretary of State, I cannot say. I think it was from the Board of Directors this answer came.

11,947. When the deputy-governor made that statement to you did he hold a paper in his hand?—He had a paper in his hand with the names of some prisoners on it, as I understood, but I could not say what was on it.

11,948. With regard to the second document, the statement to the directors seems to have been made on the 21st of January '69. Was this forwarded to the Board of Directors?—That was to the Board of Directors. Oh, yes, I got an answer to that from the Board of Directors, that there was not sufficient ground, or some such answer—the same answer.

11,949. (Chairman.) To prevent any future mistakes, I must tell you now, Roaston, that after the post of Thursday night next, you cannot transmit to us any written statement. We shall not receive any written statement that may reach us after the morning of Friday next. Everything that you want to add to this paper which you have now put before us you must do before that time. You understood that?—Yes, my lord. Will I be furnished with a copy of it after coming from the press, before I am called for again.

11,950. I do not know whether we shall come here again. You had better send us by Thursday next whatever you wish to lay before us in writing, as we shall receive nothing afterwards.

The prisoner withdrew.

The Commission adjourned.

No. 3, Parliament Street, London, Tuesday, 2nd August 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BODRICK.
STEPHEN R. DE VERE, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

Mr. GEORGE CLIFTON recalled.

11,951. (Chairman.) How long, Mr. Clifton, was the treason-felony prisoner O'Donovan Rossa under your charge?—Speaking from memory, my lord, I think nearly one twelve months.

11,952. Do you recollect during that twelve months the case of a letter which he was charged with endeavouring to send out surreptitiously?—I do, my lord.

11,953. Will you state, if you please, the circumstances of that case?—It was a letter that was being passed out surreptitiously, through the medium of an ordinary prisoner. It was passed to a prisoner, of the name of Lynch. It was seen by principal warder Maddox, the principal warder in charge of the Roman Catholic chapel at the time. The prisoner was asked to give it up; he refused to do so, and it was taken from him.

11,954. Lynch refused to give it up?—Lynch

refused to give it up, and it was taken from Lynch and handed to me the following day, my lord.

11,955. Was it on a Sunday that it was found on the prisoner?—It was on a Sunday, my lord.

11,956. Do you recollect whether it was enclosed in a book or not?—It was, my lord. The book was done up.

11,957. Is the book that I now hand to you the book in which it was wrapped up enclosed?—It was, my lord.

11,958. Will you kindly just look at it, and say to the best of your belief, is the letter which comes out the one which was found in that book?—I can swear that it is the same.

11,959. Will you state what you did in consequence?—I am under the impression, my lord, that I ordered Donovan Rossa to be reported for it in the

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ordinary manner, for attempting to send a letter and book surreptitiously out of the prison.

11,960. To whom did you order that he should be reported?—That he should be reported in the ordinary manner—brought before the governor.

11,961. Will you state what took place when he was brought before the governor, that is yourself?—Without an opportunity, my lord, of referring to the reports I really cannot from memory speak as to what took place then, in consequence of there being so very many similar charges of trying to send letters out of the prison that it would be impossible for me from memory, and without reference to my reports, to be able to speak of the exact course that was adopted on that occasion.

11,962. The letter I believe is addressed to Mrs. Mary Moore, is it not?—This cover is, my lord; but it was done up in the ordinary brown paper that is issued to the prisoners for closet purposes, and that cover has been lost.

11,963. Was there any direction on that cover?—It was addressed to Mrs. Mary Moore.

11,964. Was there anything else besides "Mrs. Mary Moore" on it?—I did not observe anything else.

11,965. Where was that cover put to it?—That cover was one inside the brown-paper cover, and I wrote that myself upon it on the 3d May, when it was handed to me.

11,966. Before you wrote on it what was on the letter?—A brown-paper cover, my lord.

11,967. I mean what writing was on it?—Nothing that I can recollect now but the address.

11,968. Will you see if there anything besides that upon it now?—I see "for Mrs. O'D."

11,969. You did not observe that at the time?—I did not observe that at the time.

11,970. Have you any reason to doubt that it was on it at that time?—I have no reason to doubt that it was on it.

11,971. You read the letter I presume?—I did read the letter, my lord.

11,972. Did you observe that the initials "Mrs. O'D." occurred at the bottom of the letter?—I did, my lord.

11,973. Well, O'Donovan Rossa says that the governor entered on the books a charge against him to the effect that he was holding an illicit intrigue with the wife of another prisoner, Michael Moore, and that you, the governor, subsequently told Michael Moore that he, O'Donovan Rossa, was writing to Moore's wife?—I most distinctly state that I never made use of such an expression.

11,974. Can you tell us what the nature of your remarks was?—The charge as far as I remember was, that he was charged for attempting to pass a letter surreptitiously out of the prison; but I neither by word of mouth nor in writing ever accused Donovan Rossa of intriguing with the wife of Moore.

11,975. Of Michael Moore?—Of intriguing with the wife of Michael Moore.

11,976. With regard to the use of the word "intrigue," are you quite sure that you never used that word?—I never made use of the word, my lord. I was very closely questioned on the former Commission with regard to it; and I then affirmed, and I still affirm, that I never made use of the word.

11,977. It is true that O'Donovan Rossa tried to get you to alter the description of the charge as it was entered against him, and that he could not succeed?—I have no recollection of it, my lord. I have no recollection of it.

11,978. Do you recollect that you said to him one day, "I believe the letter was intended for Moore's wife, and that the words 'for Mrs. O'D.' in small writing in a corner of the back of it was only a 'subterfuge,' and I told the board of directors so," and I told the Secretary of State so; and that upon that O'Donovan Rossa said, "Then you told them what was false." Did that take place?—Not in those words.

11,979. In what words, according to your recollection, did that conversation take place?—Donovan Rossa put his name down to see me in the ordinary course as a prisoner wishing to see the governor, and he referred to this matter, and I then told him that I did not believe that the letter was intended for his wife, as from the dealings that I had with her I was quite certain that she would not lend herself to trafficking or passing anything illegally into the prison.

11,980. Did you use the word "subterfuge"?—I think not, my lord.

11,981. You cannot say?—I cannot say whether I did, my lord. I do not think so. I do not think it likely I should have done so.

11,982. You have no recollection of it?—I cannot recollect. Will you allow me to explain, my lord? When any of these prisoners are brought before me they go on talking at such a rate that I really have not an opportunity of speaking to them; and it is therefore utterly impossible for me to recollect the exact words that I might have used to them those occasions.

11,983. You have not any books in which any minute was entered at the time on the subject?—I have a copy of O'Donovan Rossa's applications to the governor at different times. If you would allow me to hand it to be evidence, this is the statement of the principal warder who took the book from the prisoner.

11,984. (Dr. Lysons.) What is the name of that principal warder?—Principal warder Maddox.

11,985. (Chairman.) Perhaps you had better read it to refresh your memory, and then hand it in as a statement to which you give evidence as received from the principal warder?—Portland Prison, 3d November 1856. Sir,—I have to state for your information that I was in charge of the Roman Catholic prisoners attending divine service yesterday. On returning from chapel at 2.15 p.m. I saw a prisoner give a parcel to register number 3180, Patrick Lynde, which I demanded from him. He refused to give it, and after a struggle I got it on his attempting to pass it to another prisoner. On examining it I found it belonged to prisoner register number 3384, Jeremiah O'Donovan Rossa. I reported the circumstance to the governor with regard to both prisoners at the separate cells.

11,986. Is that the whole of it?—That is the whole of it, my lord, signed by principal warder Maddox. It was first reported verbally to me. This statement was not sent in until the following day.

11,987. That statement was sent in to you the day after the occurrence took place?—The day after it occurred, my lord.

11,988. What the entry was that you made of the charge in your books you cannot at present tell us?—I cannot, my lord, without reference to the report sheets. You have them all here.

11,989. Here is the copy of the entries applied to us. Holding that copy of the entries in your hand, Mr. Clifton, can you tell us now what entry was made when this report was laid before you?—I cannot, my lord, without further reference to the register in Portland Prison.

11,990. O'Donovan Rossa has distinctly told us, more than once, that you used the words that you considered it a subterfuge. You cannot say positively whether you did or did not?—I feel confident in my own mind that I did not make use of the word; but I would not positively assert so. I have no recollection of making use of that word.

11,991. Had you read that letter at the time that you saw O'Donovan Rossa with respect to this charge?—I had, my lord.

11,992. You had?—I had.

11,993. And after reading that letter you retained the opinion that it was not intended for his wife but for somebody else?—I was under that impression, that it was not intended for Mrs. O'Donovan Rossa, but was intended for somebody else.

11,994. I believe he applied three times to have the

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matter of that letter investigated. He says so at least—I have no certain knowledge of that fact.

11,995. At any rate the matter was not investigated?—He asked on the 16th November, which was a few days after this occurrence, to see the visiting director respecting this letter, and I wrote opposite his application "granted," and his name was entered in the director's book to see him.

11,996. Was the case investigated by the visiting director?—It does not appear so, my lord, from the entries made in the director's book.

11,997. There is no record of it?—There is no record of it.

11,998. Who was the visiting director?—Mr. Pagan.

11,999. Then I understand the result to be that you feel quite certain that you did not use the word "intrigue," but that you are not confident as to whether you did use the word "subterfuge"?—Exactly so, my lord. I am prepared to say that I never made use of the word "intrigue," because I never thought it.

12,000. Were you not under the impression that this was an attempt on the part of O'Donovan Rossa to communicate in writing with another man's wife?—Yes, but not on a love matter; not as a love matter. I thought it was simply that he was communicating with another man's wife for the purpose of obtaining political news, tobacco, and money; but I never had the most remote idea, the thought never crossed my imagination, that it was in the form of a love letter, or that there was any intrigue between Donovon Rossa and another man's wife. I was spoken to by Donovon Rossa on that subject on several occasions, and by Moore, and repulsed having over even entertained such a thought.

12,001. Did you repulse it to Moore?—I did, my lord. Will you allow me to explain how it came out with Moore?

12,002. Yes?—A few days after this occurrence took place Michael Moore, who was a very respectable, good prisoner, put his name down in the ordinary manner to see me to ask for a letter; and I think I said to him, intentionally, so as to find out whether he had arranged with Donovon Rossa that this letter should be written. I said, "Surely you do not want to write a letter to your wife when Donovon Rossa wrote to her a day or two ago." I put it in that manner to find out whether he was implicated; for if I considered he was it would have been an offence which I should have been compelled to have taken notice of; upon which Moore expressed his astonishment. "What!" he said, "has Rossa been writing to my wife?" I found immediately that he knew nothing about it, and I said no more to him on the matter. I was quite convinced by the honest, straightforward manner in which he answered my question that he had nothing to do with it, and that he was not aware that this letter had been addressed to his wife.

12,003. (Mr. Bradrick.) When you first saw the outside cover and opened it, did you not observe the writing "for Mrs. O'D." on the inside cover?—I did not. I believe it was in consequence of that that I stated before that my impression was that I had not seen that "for Mrs. O'D.," and I sent the whole of the documents to Parliament Street, and when they came back I then observed for the first time on the inside cover these letters, "Mrs. O'D." But it was sealed up very carefully, with this prison paper, apparently cemented down with some of the paste, and my impression is, though I cannot say it for certain, that the cover was not; but my own impression is, that that outside cover was simply addressed to Mrs. Mary Moore, and that was the reason of my saying that it was for her.

12,004. Which cover was it that Moore, Knox and Pollock saw?—This one.

12,005. You believe that the outside cover was lost before then?—I believe it was lost even before they saw the documents.

12,006. Did you not observe "for Mrs. O'D." on the back of the letter itself?—I did after it came back from Parliament Street. I sent it up almost immediately, thinking that it was of importance to report that it had been found. At this moment I cannot recollect writing the official letter, or semi-official letter which I sent up with it; I mentioned that a letter for Mrs. Mary Moore had been intercepted.

12,007. Had you observed it might it not change your opinion as to the person who was intended to receive the letter?—I should still consider it not intended for Mrs. O'Donovan Rossa; the R being left out; and there was another party whose initials were the same as these, and if not for Mrs. Mary Moore I thought it was intended for this party.

12,008. Was there anything in the letter calculated to make you doubt that it was intended for his wife?—I am only speaking from memory, but I am under the impression that that is not the usual way in which he used to address his wife, this struck me instantly. It commences with, "My love." I am under the impression that in writing ordinarily to his wife he addressed her as "My dearest second-sister."

12,009. Had not Mrs. O'Donovan Rossa a short time before then written to her husband?—I think she had.

12,010. Have you any recollection of the contents of that letter?—Well, I have some recollection of one letter, but I cannot state from memory whether it was the one before or the one after that.

12,011. Are you able to state whether the questions referred to here in this letter were asked in the letter of Mrs. O'Donovan Rossa?—I cannot recollect.

12,012. I will read a passage from this letter: "I will answer a few of your questions in your last letter. The concerns owed me about a hundred pounds. Denis O'D. owed me very little, and I am sorry that that mistake was ever made about it. I suppose I am to blame, but I could not speak my mind in the presence of Marquis. However, it was very bad of him to speak harshly to you. Do not collect any of the debts of the paper." Have you any recollection of a passage equivalent to that I have now read being contained in the letter you have mentioned as sent by Mrs. O'Donovan Rossa to her husband?—I think that there was. I cannot fix the date, but I recollect this, that Donovon Rossa asked to have an interview with me, either some time before or after writing that letter, in which he asked me, as he had forfeited the privilege of writing, if I would communicate certain information to his wife; and it was on that occasion that Donovon Rossa came up to my office and I dispensed with the services of an officer, as he evidently wanted to make some private communication to me. Accidentally, and while looking over some of my private notes, I found, only yesterday, a copy of a letter addressed by myself to Mrs. Donovon Rossa, bearing on that very question, "Madam, I beg to send you replies to the queries addressed to your husband in your last letter," but unfortunately I did not mention the date of the letter. Those were first taken down in his words and communicated as his answers: "First, if D. O'D. owes me anything it was only a trifle. The second was, 'The account books of the newspaper are in the hands of the Government. I can only say that the accounts might owe me a hundred pounds, but not more. Third, do not advertise for the debts of the 'Irish People.' Fourth, you might show part of my letter to my aunt, and she can communicate them to my mother. Fifth, I feel deeply for your position and for your father. Sixth, I never wrote anything that was published, but something on the death of Dr. Croley.—I remain, madam, your obedient servant." I find that I addressed this to Mrs. Donovon Rossa.

12,013. Having read that, and having heard as I read this, can you doubt for a moment that this letter was intended for his wife?—(No answer.)

12,014. Having heard me read this passage: "I

* will answer a few of your questions in your last letter. The concern owed me about a hundred pounds. Denis O'D. owed me very little, and I am sorry that that mistake was ever made about it. I suppose I am to blame, but I could not spend my time in the presence of Murphy. However, it was very kind of him to speak harshly to you. Do not collect any of the debts of the paper, and having yourself read the memorandum of what O'Donovan Rossa wished to be communicated to his wife, can you doubt that this was intended for Mrs. O'Donovan Rossa?—I still think that it was quite possible that he wanted to convey that information to his wife, but that he was doing it through the medium of some other person; but the letter itself, as I stated before, I do not believe was intended for his wife.

12,014. You will observe no doubt that "for Mrs. O'D." is not only to be found on the back of the letter, but is also in the body of the letter itself?—But you will also observe that he spoke here of D. O'D. I do not know who those initials were for; and, as I mentioned, it might be for this Mr. D. O'D.

12,015. Were you aware at the time that the treason-felony convict Moore had a mother?—Had a mother?

12,017. Had a mother?—I think so.

12,018. Did you know that her name was Mary?—No, I did not.

12,019. Did you know that his wife's name was Catherine?—Yes; I wrote to his wife, and I am under the impression that I asked him her Christian name when addressing the letter to her, to inform her that he was about to embark for Western Australia, and afford her an opportunity of seeing him.

12,020. Did it not strike you that, as his wife's name was Catherine, this letter which was addressed to Mrs. Mary Moore could not be intended for her?—It was long subsequent to that that I knew it.

12,021. It was long subsequent?—Long subsequent; not at the time.

12,022. Did you enter a charge against O'Donovan Rossa in respect of this letter? I find no charge in these extracts. Are you able to state whether any charge was entered against him in respect of a letter supposed to be clandestinely sent out?—I was under the impression that the charge was entered here. Here it is, "having a letter in his possession for the purpose of obtaining money and trafficking." It having been traced from him, the possession of it was brought home to him. That is the report.

12,023. What is the date of that?—The 5th November. He was brought before me on the 6th.

12,024. Did the charge entered against him on that occasion contain any allusion to the letter being addressed to another man's wife?—Not at all; it was simply for passing a letter out, for which I awarded him the punishment which is generally given, three days bread and water.

12,025. Did he afterwards state to you that if you had told the board of directors and the Secretary of State that the letter was intended for another man's wife you told them what was false?—I recollect his telling me if I told the board of directors. I did not make use of the Secretary of State's name; but on one of these occasions, when he put his name down to see me, and accused me of having brought this matter forward as a love intrigue, I mentioned to him that I had forwarded the whole of the documents to the director in Pall-mall Street for the information of the board of directors, telling them I was under the impression that it was not intended for his wife.

12,026. Was he punished for making that remark?—I do not know.

12,027. No punishment was awarded?—No punishment was awarded. It was highly inappropriate conduct, according to the governor, in the presence of a subordinate officer, of having made it public in the prison that he had been carrying on an intrigue with another man's wife. He upbraided me very severely, and I had intended to have him reported and punished;

but I thought I might give him one more chance. Mr. G. Clifton. I am under the impression that I mentioned it to the director afterwards, but I am only speaking from memory. 2 Aug. 1870.

12,028. To the best of your knowledge, is there any written account of the alleged fact, that O'Donovan Rossa tried to pass out a letter to another man's wife, appearing in the books of Portland Prison, or in any other book, within your cognisance? Is there any written record of that alleged fact?—I think there is, sir. I think I might be able to put my hand on either the semi-official letter, or the official letter that I sent up to Pall-mall Street with the documents. I think that I did nothing more than report the circumstance of the finding of this letter; and then he was reported in the ordinary manner, so that the director would see what punishment I awarded him.

12,029. In the letter to which you referred to the board of directors you think it was not reported as part of the charge that the letter was addressed to another man's wife?—I think it was. I think I mentioned that a letter had been taken at the Roman Catholic chapel addressed by O'Donovan Rossa to Mrs. Mary Moore.

12,030. (Dr. Greenwood.) Did you read this letter through?—I did.

12,031. Did you observe some lines at the end of it?—I did.

12,032. Did you recollect the contents of this letter at all?—I did not in the slightest degree. I was so constantly sending letters of this sort that I satisfied myself in glancing over them. If I find anything about tobacco, or money, or public news, that is quite sufficient for me to suppress them.

12,033. There are two lines here that I will read for you:

"The fatherland, the hope of years,
The friend, the child and wife."

Here is another:

"It freely flies to wife and child,
To friend and fatherland."

Now after reading these lines could you doubt that that letter was addressed to his wife?—(No answer.)

12,034. Do you think a man carrying on an intrigue with any other person would put those passages in?—I have already most positively asserted that the only thing he was accused of was passing out a letter with the view of obtaining money, tobacco, and political news. I confined myself simply to these three things, and nothing else.

12,035. But this man believes that you thought this letter addressed to some other person, and you yourself have said to-day that you think it was addressed to some other person, and yet here are these words in it that I have read to you?—Simply that that person was to be made the medium of communication. Knowing that it was surreptitiously sent out, and that his wife would be liable to punishment for receiving a letter illegally sent out, that he had done it through these different parties; that is all. As far as accusing Rossa of writing to another man's wife, it would have been quite contrary to my feelings, because I had opportunities of judging of her letters to him; and knowing, too, that they were always couched in most affectionate terms, I had not the slightest reason to believe that O'Donovan Rossa was attempting an intrigue. I thought Moore was a very safe fellow, and that he was simply sending this through Mrs. Moore, to whom it was addressed.

12,036. (Chairman.) In case of there being any entries in the prison books relating to the charge against O'Donovan Rossa with respect to that letter, will you be kind enough to send us copies of all of them?—I will, my lord.

12,037. (Mr. De Vere.) Mr. Clifton, when you told O'Donovan Rossa that you did not believe the letter was for his wife, did you say who you believed it to be intended for?—No, I did not.

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12,038. Do you remember this matter having been investigated by a former commission?—It was.

12,039. Were you examined before that commission on the matter?—I was.

12,040. Did you give your impression of the facts to the commission?—I did.

12,041. Do you remember the conclusion that the commission came to?—I will read it to you. "We are far from saying that it was not so"; that is, that it was not satisfactory. "The letter may have been for Mrs. Moore the elder, not for Mrs. Moore the younger. Mrs. O'D. might mean Mrs. O'Donovan Rossa, not Mrs. O'Donovan; but at least the matter requires explanation, and Rossa might have asked Moore's permission before writing either to 'his mother or his wife.' That is their conclusion. Do you understand by that conclusion that the Commission leaves the matter in doubt as to whether O'Donovan Rossa was or was not writing a letter to another man's wife?—(No answer.)

12,042. (Chairman.) You must be cleverer than I am, Mr. Clifton, if you can put any other interpretation on it.

12,043. (Mr. De Vere.) I should like to get Mr. Clifton's opinion on the subject?—My opinion was this, when I read the remarks some months afterwards, that they took a similar view to myself, namely, that that letter was addressed to Mrs. Mary Moore and for Mrs. O'D. Who she is it is impossible to say. I do not conceive it was Mrs. O'Donovan Rossa, for I have seen him sign her initials, and he has always put Mrs. O'D. R.—Mrs. O'Donovan Rossa. Whether it was to be conveyed to her by those parties and then because her property was another thing altogether, but I conceived the letter so addressed not intended for Mrs. O'Donovan Rossa. I stated at the former commission that my impression for doing so was that I did not think Mrs. O'Donovan Rossa would have lent herself to receiving a letter asking for tobacco, &c., for by her own letters to me she was most observant of the rules of the prison, and most courteous. I do not think she would lend herself to introducing tobacco or money into the prison.

12,044. Your attention having been called by the Commission to the internal evidence of that letter, are you now of the opinion that it was or that it was not intended for Mrs. O'Donovan Rossa?—I am still of the impression that it was intended for one of those two parties named, and that they were to inspect or make such communications out of the letter as they thought fit to Mrs. O'Donovan Rossa, after having carefully considered the contents.

12,045. You have already stated that you never entertained the idea that there was any criminal intrigue between O'Donovan Rossa and Mrs. Moore?—Such a thought never crossed my mind, as I was at that very time writing and receiving letters from Mrs. O'Donovan Rossa. All of them were couched in the nicest terms, and speaking in the most respectful manner, and thanking me for my letters.

12,046. Is it the fact that you stated at the former commission that you had used words to this effect in your communication with Rossa, namely, "Telling him, Rossa, his own opinion, that when a man writes a letter to another man's wife begins with 'the words 'my love,' fills it with expressions of 'strong devotion, signs it with his name and forwards it in a surreptitious way, the facts have an awkward look." Did you mention that in your evidence before Messrs. Knox and Pollock as a statement of what you said to O'Donovan Rossa?—May I ask is that an expression of their opinion on my evidence?

12,047. (Chairman.) No; it is a recital by them, as I understand, of what they were informed you had said. You can look at the book (book handed to witness). Do you see the mark?

12,048. (Mr. De Vere.) It is marked in the copy I hand you?—I see the mark.

12,049. (Chairman.) They say that you told

O'Donovan Rossa so?—Never, my lord; I never told Rossa so; I never thought it.

12,050. (Mr. De Vere.) If the statement that I have read for you appears in Messrs. Knox and Pollock's report, is it an untrue statement with regard to any conversation that passed between you and Rossa?—I cannot recall to my memory ever having insinuated such a thing to Messrs. Knox and Pollock, because from the first I repudiated the idea of its being a love intrigue.

12,051. I have been showing you, Mr. Clifton, Messrs. Knox and Pollock's report?—(No answer.)

12,052. (Chairman.) That you have seen, have you not?—I saw it some months after, my lord.

12,053. (Mr. De Vere.) I shall not press the question any further, Mr. Clifton. I will only ask you this, is it surprising that when the published report of a public commission has recorded this impression on your part, and has recorded a very strong doubt—to say the least of it—on the part of the Commissioners themselves, is it surprising that O'Donovan Rossa should now desire to have his character cleared from that imputation?—Pardon me, but I hardly like to offer an opinion on the decision that the former Commission came to, they having had the advantage of hearing Rossa's evidence, which I had not. I have never, to this moment, seen what evidence Rossa gave before that commission. My idea was, that it was simply a trifling matter—nothing to do with a love intrigue—and my expression to Moore, as will I believe be seen, when he made his application to me, was in this manner, "Surely you don't want to write a letter, as O'Donovan Rossa has written to you 'wife,' I simply put the question with the view of ascertaining whether it was with his sanction, and whether he was aiding and assisting Rossa in trafficking, but as to its being a love letter I never regarded it in that light.

12,054. (Chairman.) You will see at once that the main points we have to ascertain is, in those or in those not, in any shape, in the prison records, an expression of opinion on your part as to a suspicion in your mind that the letter was written to Mrs. Mary Moore with the view of carrying on a love intrigue. That is the one important point we have to investigate?—I see it is an important point, and I will send you up those documents, my lord, and I will write off immediately for them to see if they throw any light on the matter.

12,055. (Mr. Lyons.) Are you short-sighted, Mr. Clifton, may I ask?—No, long-sighted.

12,056. Have you any difficulty in deciphering ordinary writing?—If I put a thing up like that (holding a paper close to himself) I see very indistinctly. I generally hold a thing at length like this (at arm's length).

12,057. You have now the envelope in your hand that covered the book; can you now see distinctly see "Mrs. O'D." in the corner of it?—I do.

12,058. You have also noticed that "Mrs. O'D." occurs in the corner of the direction of the lower half?—Yes, I did. I observe that.

12,059. It is also stated in the letter within, "This letter is to be directed to Mrs. Mary Moore, 8, Mill Street, Warrenmount, Dublin, for Mrs. O'D." Did you observe that there are three entries of "Mrs. O'D."?—I have observed them since. I did not observe it until the matter was brought forward before the Commission. After the letter came down it was put away, and I never observed it until my attention was drawn to it.

12,060. Can you state positively whether or not there was a similar "Mrs. O.D." on the outer envelope of brown paper when the packet was first taken?—My impression is that there was nothing but "Mrs. Mary Moore, 8, Mill Street, Warrenmount, Dublin," but still it was so carefully done up, that in taking it off it was torn, but I preserved the pieces, and they were lost.

12,061. Is it possible that there might be "Mrs.

O'D." written on the outer envelope similarly to the "Mrs. O'D." in these three places that you did not observe?—Quite impossible.

12,062. Did you read this letter with any care or attention before you formed your opinion about it?—I did not. I read down as far as came to the tobacco and money, and glanced my eye over the other. I did not.

12,063. Did you notice this part where he directs his remembrance to be given to his uncle and family, and says, "I do not press you to write to my mother, but I wanted it to get out that I would not be allowed to write to her"?—I do not at this time recollect.

12,064. He also says further, "Do not think that I do not feel on your account, for if I feel painfully I feel proudly too. Read over that letter I wrote you the day preceding my conviction." Did you notice these passages at that time?—I do not think I did. I think that had I observed it I should have remembered it. I do not recollect observing it.

12,065. Do you not think that to be weighty collateral evidence that the letter was intended for his wife?—Well, it certainly seems so by that remark; certainly.

12,066. Did you say to O'Donovan Rossa "That is no proof," when he called your attention to the words "for Mrs. O'D." in the corner? Did you say, "That is to prove that the letter was for your wife, as the initials are not here"?—Yes, I recollect saying that.

12,067. Did you say, "I am still of opinion the letter is not for your wife"?—I did say so. I recollect that.

12,068. When you mentioned to Moore that O'Donovan Rossa had written to Moore's wife, did he evince any feeling of anger or resentment?—He was very indignant.

12,069. He was very indignant?—Very indignant. 12,070. Was there no danger of causing mischief between O'Donovan Rossa and Moore from putting the matter in that way?—That did not strike me at the moment. I was so anxious to find out about his being concerned in sending out letters surreptitiously, as well as to detect who the parties were that were passing them out, that it did not suggest itself to me at the moment.

12,071. What did Moore's anger and indignation seem to point to?—When I mentioned this, he said, "Rossa writes to my wife! I know nothing about it. What has he been writing about?" I said, "I cannot tell you that."

12,072. Then you told him that Rossa had written to his wife, Mrs. Moore, and you did not tell him what he had written to her about?—I did not tell him what he had written to her about, because I saw that he had nothing to do with the surreptitious sending of the letter on.

12,073. Did you leave Moore under the impression that Rossa had written a letter to his wife, and that you would not tell him the contents?—I did, for this reason, Rossa, Moore, and others had an opportunity of meeting daily, and I thought Moore would speak to Rossa on the subject, and they could offer an explanation to each other without my knowing any more about it.

12,074. Did you think there was no danger to be apprehended from two men meeting one another under the impression that one of them had written to the wife of the other?—No; for the treason-felony prisoners send their love one to another, and there is the greatest possible sympathy and friendly feeling between them, and they never forget to mention each other. Therefore I did not come to the conclusion that there was any likelihood of their quarrelling about it.

12,075. Could you give us the relative dates of your notice to the communication that you were to make at Rossa's request to Mrs. O'Donovan Rossa, and of the suppressed letter?—Pardon me, I do not quite understand that, Dr. Lyons.

12,076. Could you give for the information of the Commission the relative dates of those notes that you read awhile ago of a communication that you were to make at Rossa's request to Mrs. O'Donovan Rossa, and of the detected letter?—I cannot.

12,077. Can you in fact fix the dates?—I cannot, I find, fix the date of that letter, because it was not an ordinary interview between the governor and a prisoner that took place in my office. He was very anxious about this, and I find I wrote this note in pencil at the time as a copy of it, but did I have not got the date on it.

12,078. Have you any record or entry in your books at Portland which would show what the date of the letter was, of which that paper appears to contain memoranda?—No, I have not. I should not enter such a thing. I have not. But all the official interviews, all that he has ever put his name down for in the ordinary manner to see me as a prisoner, are recorded here, every one of them.

12,079. Could you from these records fix the date on which you saw Rossa, and took down those memoranda to communicate to his wife?—No, I cannot.

12,080. Did you, as a matter of fact, write a letter to Mrs. O'Donovan Rossa, conveying what you have memoranda there for?—I believe that I wrote it and ordered my clerk to post it, and that is an exact copy of it. That is my impression of the matter.

12,081. Could your clerk give us the date of it from any record?—I will ask when I go down if he can. I do not think he can. I wrote it in my office. I regarded this as a sort of semi-official interview with him on a private matter, and wrote the letter myself.

12,082. Will you be good enough to look the matter up, and to endeavour to fix the date for us?—I will.

12,083. (Continued.) This passage occurs in a paper which O'Donovan Rossa has placed in our hands: "While in Portland my wife wanted to know something of my pecuniary affairs. I could not write to her. She wrote to Mr. Clifton, the governor, asking him to allow me to answer her questions. He told me to write what I had to say on a slate, and that he would have it copied and sent to her. I did so, and a month after he said, 'I could not be sending your love letters to your wife.' It was that observation that determined me to be regardless of prison rules if I could get a letter to my wife any way. After his observation I made some remark as to expending such treatment in an English prison, and I will recollect his reply to be this, 'The treatment is too good for you; twenty years ago you would have been hanged.' Do you recollect, first, the wife's writing to you, asking you to allow O'Donovan Rossa to answer her questions?—It was on that occasion that O'Donovan Rossa saw me, and I said, 'Very well; put what you have to say down in writing on your slate, and I will communicate them to your wife.' I believe these were those very questions.

12,084. Did you at any time afterwards use the expression to him, "I could not be sending your love letters to your wife"?—Certainly not, my lord; could I venture to say such a thing to a prisoner? I most distinctly deny ever having said such a thing.

12,085. In answer to an observation of his about the treatment he was experiencing in an English prison you are reported to have said, "The treatment is too good for you; twenty years ago you would have been hanged"?—No, my lord. I never made use of such an expression to any one of the treason-felony prisoners, much less to O'Donovan Rossa.

12,086. He asks, "How is it explained that in Portland I have been separated from the Irish prisoners and sent amongst a gang of English prisoners"?—He was separated from the treason-felony prisoners on two occasions, my lord. Once he complained of his eyesight. I wrote to the doctor on the subject, and he recommended my employing him at some inside work. He was employed as a cleaner I think for half a day or so, or a day; he did

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not like the work and the kneeling required in scrubbing floors, and he asked to go back to his party, and rejoined it. That was one occasion; on another occasion, and at a time when the treason-felony prisoners were showing a very unbecoming spirit, and carrying it to such an extent that I recommended to the director that the party should be broken up, and they should be distributed amongst the other prisoners, or, at all events, those who were the leaders; looking on Donovan Rossa at that time as being their leader I removed him, and, I think it was, O'Connell, into an ordinary party of prisoners, where he was employed and was very much under my own observation and the observation of the officers. He created such a feeling of sympathy towards himself in the party that I saw it would be dangerous for him to remain there. I thought it would be better, and for the safety of the prison at large, if he returned to the party and worked with them, and accordingly he was sent back. At this time there was—it was just at the time to which I referred before, a bad spirit throughout the prison about a charge of diet at Chatham which had not been extended to Portland. I was then in possession of written information that a mutiny on a large scale was to take place at the prison; on marching back to the prison from the works the convicts were to rise en masse. They were to be officered or commanded by the Fenian prisoners and were to rush on the prison. It was just about this time.

12,087. He asks, "How is it explained that while in Portland, the rest of the treason-felony prisoners working in mid-winter in a shed, I was placed outside of the shed and prevented from having that little shelter from the poison-baden blast which the others had?" Do you know anything about that?—In consequence of me about that, and I interrogated the officer at the time, and it was simply that he was misconducting himself, and had been put outside the shed for a short time.

12,088. Who was the officer?—Warden—it was one of three officers, either Parsons, Gunning, or Blaney, my lord. It was only a very short time. There was no proof of his ever having been allowed to get wet through.

12,089. "How is it explained," he asks, "that when under report the same day with some of my fellow-prisoners on a charge of talking while at work, they got 24 hours on bread and water, and I got 72 hours on bread with 14 days solitary confinement on penal 'chow diet.' The date is 29th of December 1868?"—The others were charged with simply talking on the works while he was reported for talking accompanied with insolence; in fact setting the officer at defiance at the time, and therefore he was awarded a heavier punishment than the other prisoners.

12,090. (Mr. Broadbent.) Did you ever on any occasion, Mr. Clifton, order an officer named Gunning, or any other officer, to report the Fenian prisoners?—On visiting the public works, which is a portion of my duty, on seeing these prisoners idle and doing nothing, on one occasion I think I called the officer on one side and said, "You must put a stop to this, this must not be allowed, and if they do not carry out your orders you must adopt the usual course to report them." But it was said in a low voice and not intended to be heard by them, for I never give an officer an order on the public works in the hearing of prisoners, to prevent these being any sort of feeling created at the time.

12,091. Did you ever on any occasion call the Fenian prisoners worse than ordinary prisoners, and say that they deserved punishment not only here but elsewhere?—Never. I distinctly deny doing so.

12,092. Was O'Donovan Rossa ever deprived of all books as a punishment at Portland?—I think he was on one occasion by order of the director, as it was found that he tore out leaves of books for the purpose of writing letters upon them.

12,093. Would the order to deprive him of "all books" include the Bible?—No; when a prisoner is deprived of books it generally only extends to any

library books, not to his Bible; and with the Roman Catholic prisoners. "Think well on it," and certain other religious books that they have.

12,094. Are you able to state positively whether O'Donovan Rossa was for six months deprived of the use of the Bible?—I could not without reference to the director's order in the case.

12,095. When a prisoner is confined in a dark cell at Portland, would he have his body clothing at night, or would his body clothing be taken from him at night?—It is the ordinary custom that when a man is in a dark cell his clothes are taken from him.

12,096. What would he have to keep him warm at night?—He would have the whole of his bedding, shirt, and flannels, except when reported for idleness.

12,097. (Dr. Lyons.) Have you any reason to suppose that the treason-felony convicts were connected with the mutiny that you say you had information about?—Simply from the information that was given to me by other prisoners that they had. I had no other information.

12,098. Was there any certain proof that they were implicated in that threatened movement?—There had been observed by myself, and I believe others, certain little recognitions between these men when they passed in from labour. I myself on one occasion detected one of the treason-felony prisoners in making a signal. On Saturdays they took out their towels with them, marching directly from their work on to the bath room. I distinctly saw a signal made with a towel from the bank.

12,099. What sort of signal?—Just throwing it aside. I saw a prisoner shake his head, acknowledging it.

12,100. This occurred between one of the treason-felony prisoners and another convict?—Yes.

12,101. But that would not establish any complicity on their part with a general mutiny?—Except that I was aware at the time that they were leading assistance in getting out these letters.

12,102. But had the letters anything to do with the intended mutiny?—Well, that I really am not prepared to say, because the communication between prisoners is carried on so quickly that one places a great deal more value on little signals between prisoners than you would between ordinary people. Everything is managed simply by signals.

12,103. But, as you mentioned awhile ago that there was some statement to the effect that the treason-felony prisoners were to head this movement, I want to know have you any proof of it?—I have no absolute proof, but the prisoner who furnished the information had in a previous mutiny furnished similar information, and his information was correct.

12,104. Were the treason-felony prisoners connected with a former mutiny?—No. This man had given information about the first mutiny, and his having given similar information bearing on this occasion, connecting the Fenians with it, I placed some little reliance on it and took additional precautions.

12,105. Still there was no proof?—There was no proof, only the statement of this and other prisoners. There was more than one. I could hand in, my lord, all the applications that O'Donovan Rossa made to the governor during the whole of his time there.

12,106. (Chairman.) That would be desirable?—And also to the director. I find on every occasion I gave him the privilege of seeing the director.

12,107. Will you be kind enough to hand in the returns you describe?—Extracts from the governor's application book in the case of the treason-felony prisoner Donovan Rossa, and from the director's application book for the same prisoner.

12,108. (Mr. Broadbent.) Do you remember the prisoner Rossa ever applying to you to allow him to lie in his hammock during the daytime, at a period when he was supposed to be suffering from piles?—No, I have no recollection of his making such a request to me.

12,109. He alleges that he made that request to

you, promising that he would not occasion any delay, as he would bundle up his hammock during dinner hour, and be ready to go to work when called on, and that you replied, "No, you must wait it up before dinner, which all the other prisoners do?"—I have no recollection of its taking place, but I can refer to the application book and see if such an application was ever made to me. I should have referred him in that case to the medical officer immediately, because it would have been a medical case.

12,110. (*Dr. Ligon*.) Did you ever use the phrase, "Report this man for threatening to report an officer?"—I have no recollection of having done so.

12,111. Do you consider a prisoner at liberty to report an officer to his superior officer, or to you, if he has any just ground of complaint against him?—Not to report him; to put his name down in the ordinary way to see the governor to explain to the governor how the officer had treated him; but not in those words, "I am reporting the officer for misconduct." That would be considered as a breach of discipline for a prisoner.

12,112. What I want to come at is, what redress practically has a prisoner who considers that he has been aggrieved by an officer?—Putting his name down in the ordinary manner, and telling me the nature of the complaint, and leaving it in my hands to make such inquiry as I may consider desirable, and see if there was any truth in his statement.

12,113. In the instance of such a complaint being made by a prisoner would you fully investigate it?—Yes, fully investigate it, and send for the principal warder in charge of the district if it occurred on the public works, or if it occurred in prison for the officer in charge of the hall. If the officer was accused of violent language I should interrogate the officer near to him, and ask him if he had heard any such language; I have in one or two instances even taken a prisoner out of the next cell, and asked him if ever he heard the officer use such violent language, and in no one instance have I been able to get confirmation even from prisoners.

12,114. Did you ever say to any of these prisoners, "Do you think I would believe you convicts?"—No, certainly not.

12,115. (*Chairman*.) Do you recollect, Mr. Clifton, on the morning of some Monday, that you sent for Roastree and told him he was charged with irreverence and talking in chapel?—I am under the impression that Roastree was reported in the usual manner for it, my lord.

12,116. That he said he was incapable of irreverence, and had no conversation with anyone, but that if his fellow-prisoners asked him how he was, of course he would answer them. You said, "Of course, of course, I will give you three days' bread and a water. You will forfeit 720 marks, and probation, or else six months?"—I had never heard Roastree's reports here; but I recollect that Roastree was reported for talking in chapel, my lord, and that the report was clearly proved by the officers that they were in familiar conversation, and any breach of the rules in either chapel I always punish very severely.

12,117. (*Dr. Ligon*.) What supervision of the wards is there at night, Mr. Clifton?—There is an officer in each ward who patrols up and down, and can communicate with the prisoners. If any prisoner wishes to communicate with the officer he puts his head out, or taps against the corrugated iron.

12,118. Why was Roastree prevented from going to mass for a considerable time before he left Portland Prison?—I am not aware that he was prevented without referring to the books.

12,119. (*Chairman*.) He states that he was?—Was he in hospital at the time?

12,120. He was in the infirmary?—Then it would be entirely a medical question as to whether he was fit to go to mass or not. If he was fit to go, the medical officer, with the governor's consent, had the power to let him go to mass; if he considered him unfit for mass he would not go.

12,121. (*Mr. De Vere*.) Mr. Clifton, did you at any time state to Roastree that you would let him write to his wife on condition that he was not to say a word of Portland or Pentonville, or any official at either prison?—I have some recollection of his asking to be allowed to write a letter, and several letters had been at that time suppressed that had been written by the treason-felony prisoners because they contained statements about the prison diet and the officers, which is contrary to the rules; and to prevent the possibility of this letter being suppressed I am under the impression that I did desire him not to write on those three subjects, because the letter would be suppressed, and his wife deprived of the privilege of receiving it.

12,122. Is it the rule of the prison that a letter is to be suppressed if it contains a statement made by a prisoner with regard to his own health or medical treatment?—Only in exaggerated cases. Supposing that a letter contained some account, if a man stated that he was very ill, that the diet was killing him, and the treatment was killing him, and that he consequently was suffering; in a case of that sort I should refer this to the medical officer, and ask him if it was an exact statement with regard to his health. If I got a reply from the medical officer to the effect that the man was in good health, I should suppress that letter, but allow him to write another, leaving out the exaggerated statement. And I think, with regard to the health of the treason-felony prisoners, that one and all, where they have written an improper letter, or a letter complaining of their health, I have adopted that course. But that exaggeration has often occurred, and they are indignant at having the letter suppressed; and although I have given them the option of writing another letter in lieu of it, they won't write it. I simply write on the letter which goes down to the school, "suppressed." The prisoner may write another in lieu. It is for the prisoner to apply to the schoolmaster when he feels inclined to write the letter afterwards.

12,123. (*Chairman*.) When a letter is suppressed because it contains a passage giving an exaggerated statement of his illness, do you inform the prisoner of the reason why the letter is suppressed?—Always, my lord; whenever a letter is suppressed by the governor the prisoner is brought before him, and he tells the prisoner why he suppressed it.

12,124. Are there general rules issued by the office in Parliament Street, for the regulation of receiving and transmitting letters, read for the prisoner?—It is written on the first side of every sheet of paper the prisoners write on, in order that the prisoners may know what subjects to confine themselves to, and the friends in writing back, that there may be no superfluous necessary.

12,125. Will you be kind enough to read us a sheet of that paper?—I will, my lord.

12,126. (*Mr. De Vere*.) In the case of a letter received for a prisoner, which the governor thinks it necessary to suppress, does he state that first to the prisoner?—He does, but not further than this that I would state, "This letter contains public news, and therefore I am compelled to suppress it." But if there were any unobjectionable portions I should read them to the prisoner. I have done so in the case of the treason-felony prisoners in many instances.

12,127. Is that the rule?—I do not know whether it is a rule at all the prisons. It is the rule that I adopt at Portland. I cannot say, because I believe that there is a discretionary power with the governor. I do not think all governors act alike in the matter.

12,128. With respect to your having said, "Report this man for threatening to report an officer," Roastree states that Carey heard the governor telling the warder or officer to report him or one of the prisoners, that Carey stated to you that he wanted to see the director in order to report this conversation to him, and that you then, turning to the chief warder, said, "Report this man for threatening to report an officer;" can you recollect when you meant by the word "officer?" Did it mean yourself, you being the

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party implicated in the charge, or did you mean the officer to whom you were alleged to have given the charge?—I think on that occasion that I should have referred to myself, if I made use of such an expression, but I cannot recall to my memory having done so on that occasion.

12,129. If a prisoner was to express a wish to see the director for the purpose of laying a report against yourself before that director, would you not think it right to give him every facility for doing so?—Most certainly, and every opportunity is afforded. When a man wishes to make a complaint against the governor I afford him an opportunity of making his statement, the director is able to go into it, and if I am exonerated from blame it strengthens my hands. I always afford every prisoner an opportunity of seeing the director to make complaints against myself or any officer.

12,130. Then is it possible that in the case of Carey, on his making the statement to you that he wished to see the director to report your conversation to him, you could have said, "Report this man for threatening to report an officer?"—I think not. On several occasions, when dealing with these men, they have turned round in an unjustifiable manner and said, "I will report the officer," and I said, "If you make threats" "in this manner I shall be obliged to take notice of" it. You can put your name down to see me if you "have any complaint to make against an officer. If "you still wish to see the director I will afford you "every opportunity."

12,131. If you were the officer against whom the report was to be directed, would not the proper course for the prisoner be to ask to see the director?—Certainly; and many of them have done so, and serious charges have been preferred against me by the prisoners to the director, and the director fully inquired into those charges, and his decisions are recorded.

12,132. Then you do not believe it to be true that you could have turned to the chief warder and said, "Report this man for threatening to report an officer," when a prisoner applied for permission to report yourself?—Certainly not.

12,133. Can you recollect that at any time the prisoner Roastree complained to you of the spirit the officers were showing towards him, and that the officers were soon afterwards removed by your orders and others put over him?—Not on one particular occasion, but throughout, the greatest difficulty I have had to contend with has been the charges preferred against the officers placed over the trans-felon prisoners. They have constantly, frequently made complaints of the officers speaking sharply to them, of their being hasty towards them, and of not treating them in the manner they considered they ought to be treated, and in order really to befriend them, in several instances I have said to the chief warder, "Very well, "we will try another set of officers and give them "fresh orders that they are not to be harsh, but simply "firm," and I have a recollection on that occasion that Roastree did make some complaint with several others, that either one or two officers had been hasty. I looked to the book, and seeing that the officers had been some time in the party I changed the officers, but not immediately, so as to let them suppose they were removed for that complaint; and I have changed those officers over and over again.

12,134. Did Roastree at any time complain to you that principal warder Harding was in the habit of coming into his cell three or four times in the night, shaking him, waking him up, and asking him was it all right?—Principal warder Harding?

12,135. A principal warder, and Mr. Harding, an elderly man?—During the night?

12,136. During the night?—There would be no principal warder on duty in the cells at night, but if he was in a punishment cell he might be visited by the orderly officer who is on. I have no recollection of Roastree having been in the dark cell.

12,137. No; it cannot have been, for he says,

"other officers turn on the gas, see me through the spy hole of my door, and walk away," which would not have been the case if he were in the dark cell?—Such a thing is utterly impossible, for the principal warder is not in the cell.

12,138. But say warder: could he have been mistaken as to the grade of the officer?—No, he could not, for there would be no key in the possession of the others.

12,139. I will read this passage for you:—"One "night I could not sleep for pain. On the next night "I was beginning to doze when Mr. Harding came "and shook me saying, 'Is it all right?' I was con- "fused and did not answer immediately. Mr. Har- "ding gave me another shake, repeating his strange "question. I then said, 'If you left me sleeping it "would be all right.' Mr. Harding said, 'I can wake "you up 30 times a night if I wish.'"—He does not state where he was at this time, because if he was locked in the cell at the time he would have no key in his possession.

12,140. (Mr. Roastree.) He was locked in the same cell as Sir John Dean Paul was in?—I think that it was in that very cell that he was.

12,141. (Mr. De Vere.) He also says that he made a complaint of it to the director, and the director said he should have complained to the doctor or governor?—Then he was in hospital at the time. He must have been in hospital at the time. The principal warder in charge would have an opportunity, if he thought it necessary, of visiting the hospital and going into the cells there, to see if a man was all right, but he must be accompanied on these occasions by another officer.

12,142. Can you refer us to the particular officer from whom we could get satisfactory information on this subject?—Principal warder Harding has left the service, years ago, superannuated. We at Portland do not know even his address. But such a complaint has never been brought under my notice. Roastree never mentioned such a fact to me.

12,143. Have you any record by you which would show if such a complaint was made to the director?—I have not Roastree's applications.

12,144. It is stated by Roastree, that on one occasion when he was in the infirmary, the Scripture reader came into the room to read prayers. He says that he showed no disrespect; that he was reading a book when the Scripture reader came in; that he did not change his position, and did not speak. The warder ordered him to put down the book and pay attention to the prayers. He says he was reported for this circumstance?—He would have been reported for that circumstance, because if the Protestant chaplain is performing service there, if there happen to be any Roman Catholics in the ward at the time they are supposed to put down their books; and vice versa, if the priest was performing any service there the Protestant prisoners would put their books down, as a mark of respect to the priest while he was performing the service.

12,145. Do you mean as a mark of attention to the service that was going on?—No; simply as a mark of respect to one of the superior officers of the prison. When a superior officer enters a hall or any ward the prisoners put their books down. If they are lying down they put themselves on a stool; if they are out of bed they stand up.

12,146. As we have not the medical officer, I will ask you this question, have you known any cases of frost bite occurring on the works?—No; I do not recollect ever hearing of a case of frost bite, or losing any limb from such cause. I have never heard of the loss of any limb from frost bite.

12,147. (Dr. Lyons.) Have you any recollection of your having an interview with Roastree before his leaving Portland in 1867?—I do not recollect any particular one. I have seen him at different times when he had got his name down to see me.

12,148. Would you have said to him, "You are an insolent fellow; I will keep you from writing?"—I

believe I did say so, for he was intensely insistent to me.

12,149. He says you said to him, "You will be kept in probation class for a number of months?" he does not give the number of months. Could you by your report carried on to the next prison he went to, prevent his writing a letter for any length of time?—The penal record which accompanies a prisoner from prison to prison shows the last punishment awarded by the governor. If the punishment had reduced him to probation class for three months, although he is transferred to another prison, he would still lose the privilege of writing until he regained his class.

12,150. (*Mr. Brodick.*) I think we understood you to say on a former occasion that loss of the privilege of writing would be incident to the probation class?—In class.

12,151. (*Mr. De Foe.*) Rosentre complains, Mr. Clifton, that he was at one time obliged to go round the room to clean and polish the shoes of the prisoners who were all in their beds, and arrange them at the foot; and other mornings he had to wash their limbs, wash the washcloset, clean their dinner-tins, throw out the ashes, sweep the floor and wash the capstools; and he complains that he was obliged to wash and clean in corridors and portions of the prison he was not himself inhabiting. Could this statement be in accordance with prison discipline?—It might be true as far as the treason-felony prisoners themselves are concerned that he might have to clean in front of the cells occupied by them; for when they were first received they were located in D hall on one landing, and one prisoner is selected on each landing to keep it clean, and while they were located in D hall he might have been selected to keep the floor and stairs clean.

12,152. (*Mr. Brodick.*) Might he have been a member of the cleaning party which should perform the duty of cleaning other parts of the prison?—No, the treason-felony prisoners were not so employed.

12,153. (*Mr. De Foe.*) This statement applies to the period when he was in the infirmary. Can you give any information upon it?—I cannot, because I understood from the medical officer while they were there that they were treated exceptionally, that they were not put in the same position there as other prisoners; he never complained to me nor did I ever see him so employed; neither has it, directly or indirectly, come to my knowledge that he was so employed.

12,154. He complains that on one occasion for speaking in chapel you gave him a punishment of three days' bread and water, and a forfeiture of 720 marks?—I believe that to be quite correct.

12,155. Were you aware when you gave him that punishment that he was suffering from piles?—Yes, for he told me that he was subject to piles, but I cannot say whether at that moment I knew or not that he was suffering from them.

12,156. He goes on to say that the medical officer cancelled him immediately after work in the punishment cell, and asked "What brings this man here?" upon which the chief warden answered, "Governor's orders, three days' bread and water," and that Dr. Bleker replied, "I have not discharged him from the infirmary. I will see the governor about this." "In a short time after," he says, "I was released, taken back to the infirmary and got my dinner." Is it true, as it would appear from that, that he being a patient in the hands of the medical man in the infirmary, you gave him a punishment of three days' bread and water, and that he was released from it immediately on the representation made to you by the medical officer? Can you recall those facts to your memory?—I have some recollection of something occurring about the medical officer telling me that in visiting the cells he had found Rosentre there. I was not aware at the time that he was under medical treatment. I have some recollection that he came to me and that I said, "Well, of course, if that is the case the sentence will be immediately cancelled and he will go back to the hospital," but I cannot from memory speak positively.

12,157. Would it be competent to you if you had known that he was a patient in the infirmary to give him three days' bread and water?—Certainly not. Had I been aware of it I should not have punished him at all. The report would have been entered in the ordinary manner, and when he was discharged from the infirmary he would have been brought up.

12,158. It would not have been regular on your part?—Irregular.

12,159. And as soon as it was known under your observation?—I gave an order that it should be instantly cancelled.

12,160. He states that on a subsequent occasion, the 23rd of November 1895, you said to him "I suppress this letter, and will not allow you to write again for six months." He then says, "there was nothing in it contrary to the rules as far as I knew," nor did the governor tell me there was. Now I have to ask you whether it is true that you at any time suppressed a letter of Rosentre's without telling him that there was anything in the letter contrary to the rules or why you suppressed it?—Never. I have never suppressed a letter without informing the prisoner why it was suppressed. That letter I believe was sent to Woking, to Rosentre, and my remarks are written on it "Suppressed; letter writing stopped for six months," as I considered the remarks in it highly improper.

12,161. The question that I wish particularly to put to you was whether you told him the reason of the letter being suppressed?—I cannot say positively that I did, but to the best of my belief I never suppressed a letter of a prisoner that I have not informed the prisoner why it was suppressed; and I cannot imagine that any exception would be made in Rosentre's case. The letters are brought to me at 12 o'clock. The prisoners are brought before me and I tell them "I suppressed your letter for such and such a cause."

12,162. He states that, "a week or two after this I saw the governor and asked him, was there any answer to my last letter, the one I had written previous to my wife's visit. My wife said she would write and let me know how she got home. The governor said, 'No, it has not come; and when it does come you will not get it; if it has had news I will give it to you.'" Is that true?—Not in that way. I recollect his asking me whether I had received any intelligence of his wife's safe arrival, and I think I had not at the time; but I said, "If I do get a letter recollect that you have forfeited the privilege of receiving it." Under those circumstances, I saw only bound to communicate intelligence when it is of an important nature, particularly death. If there was anything important I should communicate it. But not putting it in that manner as if I had done so as an act of cruelty, I said, "You shall not have the letter when it comes back," and I am under the impression, but I am only speaking from memory, that I did hear shortly afterwards from Mrs. Rosentre, and that I did tell him.

12,163. That you did tell him she had arrived?—That she had got home safe. I am under that impression.

12,164. Would there be anything against the rules in letting him know that she had arrived safe?—Certainly not, but letting him have the letter would be contrary to rule.

12,165. I will read this extract for you:—"Mr. O'Donnell sang out, 'I'm drowning.' This cry of distress brought the humane official to the rescue, so he got the only empty cell in the dark side, and he kept it so, for he said he would rather sleep in the dark than in the wet. This was our first wet night in Portland." To what does Rosentre refer when he speaks of "wet nights in Portland"?—When the prisoners were located in D hall, very shortly after their being located there, a heavy gale of wind came on with torrents of rain. Some rain settled through the wooden planking and went into the underground cells—the D cells they occupied; and it was reported to

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on the following day that the cells were damp and part of their bedding wet. I immediately called the attention of the clerk of works to the building, and ordered the chief warder to have their blankets and bedding thoroughly aired in the drying room. I saw the amount of wet myself and it was very trifling indeed.

12,166. Had those cells been occupied before that time?—They were just completed, built new, and I put them into them. It afforded me an opportunity of putting these men into cells which had not been previously used.

12,167. I believe they are rather better cells as to accommodation than the ordinary cells?—They are much better as regards ventilation and space, they are so much higher than the others.

12,168. What length of time is allowed for exercise on Sunday?—It depends on the class.

12,169. Reanires says, "We had one hour for exercise on Sundays, but none for prayer?"—That would be quite correct, because they were received in probation class, and the prisoners in probation and third class receive for parade and exercise on Sundays one hour; in second class they would have two hours' exercise, and in first class they would have three hours' exercise. It depends on their classification.

12,170. Reanires further states, that on being taken out for exercise, at the commencement of this hour, a

The witness withdrew.

A. Brown.

ALFRED BROWN examined.

12,172. (Chairman.) At present you are a warder at Parkhurst?—Yes, sir.

12,173. You were a warder at Chatham?—Yes, sir.

12,174. Were you in Chatham in 1868?—Yes, sir.

12,175. Were you there in the months of June, July, and August 1868?—Yes, sir.

12,176. In what part of the prison were you located in the month of June 1868, do you recollect whether you were in charge of cells?—Separate cells, sir.

12,177. From the beginning of June, or at any rate about the middle of it you were in charge of the separate cells?—I cannot say when in June, sir.

12,178. Do you recollect the occasion on which O'Donovan Rossa committed an assault by throwing water on the governor?—Yes, sir.

12,179. Were you present?—I was, sir.

12,180. What occurred immediately after he threw the water?—His door was shut, sir; he was locked in his cell.

12,181. The iron door, or the other?—Both doors, sir. The iron gate was shut at the time. Only the wooden door was shut, sir.

12,182. The governor was standing outside the iron gate in the passage?—Yes, sir.

12,183. This occurred about the 16th of June?—I could not say, sir.

12,184. About what time of the day was it?—About the middle of the day, sir.

12,185. Did anything more take place about that business that day?—No, sir; I think not.

12,186. What happened the next morning?—As far as I can recollect I think the prisoner was placed under report, sir, and to await the director's decision.

12,187. Was he handcuffed?—No, sir.

12,188. Not handcuffed?—No, sir; I think not.

12,189. Now, recollect yourself, because there are a good many witnesses on the point. Was there no order given to handcuff him?—Not at that time. I don't think there was, sir.

12,190. When was the order to handcuff him first given?—I cannot say, sir, what time the order to handcuff was given.

12,191. Was it given the next day?—(No answer.)

12,192. The next day was it given?—I could not say, sir.

12,193. Did you put on the handcuffs at any time?—Yes, sir, I put them on.

certain period elapsed before their parading had taken place. He says, "We were drawn up in line, up in 'hand, to 'attention' with two often a bot, glancing 'see on our bare heads. We often had to wait 20 'minutes and more in this position till the governor 'and doctor were pleased to come and look in our 'faces." Is it possible that 15 or 20 minutes must be taken out of the hour for the necessary purpose of parade?—I should say about 20 seconds. I am generally on parade when the men are brought out. We wait a minute for the medical officer. If he does not come in a minute I make the inspection without him, as it would interfere with their attendance at the Roman Catholic chapel if they were not immediately inspected.

12,171. He states further that they had then to pay their visit to the watercloset, that one half the hour would have expired before their order to do so could have been issued, and that being 23 in number a considerable portion of the time remaining for exercise elapsed between that period and the visit to the watercloset?—They would have three hours to go to the watercloset before going to parade. They would have an opportunity from 7 o'clock in the morning until he came out on parade at 9 o'clock, two whole hours, during which time there could have been no difficulty for them to have gone to the watercloset, one being attached to the penal-class prison in which they were located.

12,194. Can you not say when you first put them on?—Not the date, sir.

12,195. Was it five days after the offence, or not?

—I wouldn't say, sir.

12,196. How often did you put them on?—(No answer.)

12,197. How often?—I couldn't say, for any stated period, sir.

12,198. How many times I am asking you. Did you put them on five times, or 10 times, or 20 times?—Yes, sir, I daresay I put them on five times.

12,199. Did you put them on more than five times?—(No answer.)

12,200. Can you not recollect whether you put them on more than five times?—It is so long ago now, sir, that I cannot remember the time.

12,201. What time of the day did you put them on?—When he has had them on they were taken off for his meals, and I put them on again.

12,202. Were you on duty during the day then?—Yes, sir.

12,203. Did you put them on in the morning first always?—Not always, sir.

12,204. Sometimes?—Sometimes.

12,205. When you say that you put them on five times, do you recollect that?—Yes, sir.

12,206. You took them off for dinner?—Yes, sir.

12,207. And put them on again?—Yes, sir.

12,208. And took them off at night?—Yes, sir.

12,209. The men putting on must have been three times a day?—Yes, sir, but I did not always put them on.

12,210. What other officers were there acting at the time?—Assistant-warder Douglas.

12,211. Was Douglas senior to you?—He was junior, sir.

12,212. Were you the head warder under Alcock?—Yes, sir.

12,213. If you did that merely one day it would take three times, and you say you only remember five times?—When I say five times, sir, I mean five days.

12,214. You think you put them on five days?—Yes, sir.

12,215. Perhaps more?—No, sir.

12,216. When you put them on five days, did you handcuff him with the hands behind him or before him?—Sometimes behind, sir.

12,217. How often behind?—Well, I should say he had them on behind three days, sir, behind.

12,218. He had them about three days behind?—Yes, sir.

12,219. Did you make entries in a book?—I have made entries in a book, sir.

12,220. In the "separate cells book"?—Yes, sir, I have made entries.

12,221. Was it your duty to make entries every time the handcuffs were put on and taken off?—Yes, sir.

12,222. As you say it was your duty to do it, tell me who did it at other times?—Assistant warder Douglas, sir.

12,223. Were you the only men who made the entries?—Yes, sir.

12,224. Whenever you got the handcuffs behind his back, did you enter the fact that you did so handcuff him behind, or not?—No, sir.

12,225. Did you enter it at all at any time?—That he was handcuffed at the back, sir.

12,226. Yes?—I think I have made entry of it, sir.

12,227. You think you have made an entry?—I don't know, sir.

12,228. More than once?—I think not, sir.

12,229. Not more than once?—(No answer.)

12,230. If you did handcuff him behind the back more than once as you must have done if he had them three days, why did you not enter it?—It wasn't usual, sir, to enter it when he was handcuffed every time.

12,231. You mean that when put down once, the punishment is to continue the same way to the end unless an observation is put?—No, sir.

12,232. Supposing the first entry is "handcuffed behind his back," and then it goes on 30 days, say—with the word "handcuffed" without the words "behind the back," would that imply punishment in the same way during the whole of those twenty days?—No, sir.

12,233. Would it imply that it did not go on more than the first time?—That he was handcuffed?

12,234. What would it imply, supposing on the second day the entry simply is handcuffed?—(No answer.)

12,235. You say that he was handcuffed with the hands behind the second day, and yet the entry does not show it. How do you account for that? The entry on the second day is just the same as the entry on the tenth day, say. You say he was not handcuffed behind on the tenth day but was on the second day. Why was not the entry put on the second day? On your answer that question?—(No answer.)

12,236. Try to recollect yourself a little. It is not so common a thing, and you had not so many persons so handcuffed behind their backs that you would forget it?—No, but so many things turn up that you forget it is a length of time, sir.

12,237. (Mr. Brodick.) Supposing a man was handcuffed with his hands behind his back one day, would you handcuff him the next day with his hands to the front, without receiving an order to that effect?—No, sir; if I received an order to that effect, he would be handcuffed in front.

12,238. If you received an order to handcuff in front, should you not make a note in the separate cells book?—No, sir.

12,239. You would make the same entry whether the hands were handcuffed behind or in front?—I have made no other entry. I don't think, sir, but that.

12,240. But would you not have done so if a charge had been made in the mode of handcuffing? Would it not have been your duty?—Not that I know of, sir.

12,241. Supposing a man to be handcuffed by the governor's order with his hands behind him, should you feel justified in putting his hands to the front, say the next day, without making an entry of the change?—(No answer.)

12,242. (Chairman.) Do you understand the question?—Yes, sir; I understand the question, sir.

12,243. (Mr. Brodick.) Should you not feel it your duty to make an entry of the change, if a man was handcuffed first behind, and next day in front?—Probably I should have done so, sir.

12,244. Then if there is no entry of a change, is it not fair to presume that there was not a change?—(A pause.) There was a change, sir.

12,245. (Chairman.) There was a change?—(No answer.)

12,246. (Mr. Brodick.) Just recollect. Are you quite certain that you ever saw him with the hands handcuffed in front, excepting at meal times?—Yes, sir.

12,247. At what time of the day have you seen him with the hands in front?—In the middle of the day, sir.

12,248. Have you ever seen him at exercise?—In handcuffs, sir?

12,249. Yes; during the period that he was confined for the assault on the governor, did you ever see him at exercise?—I didn't take him out to exercise.

12,250. Do you remember to have seen him at exercise?—No, sir.

12,251. Are you quite certain that you saw him with the hands handcuffed in front during that period?—During what period, sir?

12,252. During the period for which he was confined after the assault on the governor?—I won't say what time it was, sir; I have seen him handcuffed in front.

12,253. But was it shortly after the assault on the governor?—For his riotous conduct in the place; for destroying his cell, and all the furniture in it.

12,254. That was a different occasion; but I mean after the assault on the governor. When you speak of his having been handcuffed, did you ever see him handcuffed with the hands in front?—Yes, sir.

12,255. You are quite sure?—When he had the handcuffs on.

12,256. How long do you suppose he had the handcuffs on after the assault?—I could not say, sir.

12,257. Surely, you were about him every day, and you can remember about how many days he was handcuffed after that assault?—No, sir, I cannot.

12,258. Do you think it was a week?—Handcuffed altogether, sir?

12,259. Yes?—Either behind or before?

12,260. Yes, either behind or before?—No, I couldn't say, sir.

12,261. You cannot say whether it was a week or a month?—No, sir, not at that one time.

12,262. And yet it was your duty to attend to these cells?—He may have had a month on and off.

12,263. Are you quite sure that during that month when he had them on and off, he was not handcuffed with the hands behind every day?—I am positive of it, sir.

12,264. What makes you so certain of it?—That he hadn't them on always behind, sir.

12,265. Can you recollect distinctly about it?—I remember putting them on in front myself.

12,266. Do you recollect that distinctly?—I remember putting them on in front, sir.

12,267. At what time of the day was that?—I put them on in the morning, sir, after breakfast.

12,268. Are you prepared to state that you ever put them on in front during the period that he was handcuffed after the assault on the governor?—I won't say it was it after the assault on the governor, or after his committing the outbreak in the place.

12,269. Was the committing the outbreak in the place later than the assault on the governor?—I forget, sir.

12,270. You cannot recollect?—No, sir, I cannot.

12,271. (Dr. Greenwood.) What happened immediately after O'Donnovan Rossa assaulted the governor?—His door was shut and he was left in the cell.

12,272. By whom was the door shut?—I shut it, sir.

12,273. You shut the door?—Yes, sir.

12,274. You have just stated that you put the

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handcuffs on after breakfast, were the handcuffs taken off while the prisoner was at breakfast?—Yes, sir.

12,275. Always taken off?—They were taken off to have his breakfast and clean his things.

12,276. Taken off to allow him to eat his breakfast and clean his things?—Yes, sir.

12,277. Are you quite sure of that?—If they were put on; yes, sir, they were taken off to have his breakfast and clean his things.

12,278. Do you mean to say that O'Donovan Rossa during the time he was handcuffed after the assault on the governor, had the handcuffs taken off whilst he ate his breakfast?—I won't say it was after the assault on the governor.

12,279. But you see that we are trying to learn about the handcuffing of O'Donovan Rossa after that assault. I am now asking you with reference to the handcuffing after he committed the assault. Now recollect. Was he allowed to eat his breakfast without handcuffs during the days after the assault on the governor when you say he was handcuffed?—To the best of my belief he was, sir.

12,280. He was allowed to eat his breakfast without any handcuffs?—Yes, sir.

12,281. Did he clean his things after that?—No, he didn't clean them, sir.

12,282. He did not?—No, sir, he wouldn't.

12,283. Are you quite sure that the handcuffs were taken off for him to eat his breakfast?—Yes, sir.

12,284. Were they taken off for him to eat his dinner?—Yes, sir.

12,285. Taken off altogether?—Yes, sir.

12,286. You have already told Lord Devon that the handcuffs were put on behind for three days, and that they were taken off and put in front whilst he ate his meals. You now tell me that they were taken off altogether. Now consider, were they taken off for him to eat his meals or not?—(No answer.)

12,287. (Chairman.) It is a simple fact. Can you tell us whether or not?—It is so long ago, sir, that I cannot remember these things.

12,288. (Dr. Greenwood.) In fact you remember nothing about it, is that the case?—Not any dates or anything of that sort, I cannot.

12,289. But you were in charge of the separate cells at that time?—Yes, sir.

12,290. And is it a common thing for men to be handcuffed for about a month?—No, sir.

12,291. And would not such a circumstance attract your attention?—Not in the way O'Donovan Rossa conducted himself it would not, sir.

12,292. Would not the very way he conducted himself lead you to pay attention to the handcuffing? It seems to me that the man's having conducted himself badly would lead you to pay greater attention to the circumstances of his case?—(No answer.)

12,293. (Chairman.) Was Hilbert on duty with you?—Yes, sir.

12,294. All the time that you were there?—No, I think not all the time, sir.

12,295. Was he on duty at night or during the day?—He was on duty at night, sir; he was on duty side and I was on the other.

12,296. Then he would see O'Donovan Rossa by night I suppose?—Yes, sir.

12,297. He would, I suppose, be present while you put on the handcuffs?—Either he or somebody else, sir. Hilbert would not always.

12,298. But he would sometimes during that month?—He would, sir.

12,299. Would he see you put on the handcuffs in the morning?—Sometimes, sir.

12,300. And for more than the first three days?—I would not say, sir.

12,301. Was he there for more than three days after O'Donovan Rossa committed the assault?—(No answer.)

12,302. Was he there more than three days?—Yes, sir.

12,303. (Dr. Greenwood.) You distinctly recollect

closing the door after O'Donovan Rossa committed the assault?—Yes, sir.

12,304. You distinctly recollect that you closed it yourself?—Yes, sir.

12,305. (Mr. Broadrick.) What makes you think it was three days?—What, sir?

12,306. What makes you think that it was three days, and three days only, that his hands were confined behind him?—Because to the best of my recollection, sir, that was about the time that he had them on behind.

12,307. Is that the usual period for which a man sentenced in that way would have his hands kept behind him?—(No answer.)

12,308. Supposing a man is ordered to be handcuffed behind, would it usually last three days?—I don't remember he having them on any way, sir.

12,309. Do you know whether it is the rule of the prison that a man ordered to have his hands tied behind him should have them tied behind him for three days?—I could not say, sir.

12,310. (Mr. De Vere.) Was Giddings one of those who were also in attendance at the time?—He was there, sir.

12,311. How long was Giddings in attendance?—I could not say, sir.

12,312. Was there a warden named Kay there at the time?—There was, sir.

12,313. How long was he in attendance?—That I could not say, sir.

12,314. Was it at any time the duty of Hilbert or of Giddings to put on the handcuffs themselves?—They were on the opposite side to me, sir, so I could not say what was their right.

12,315. Did they ever in your presence put the handcuffs on O'Donovan Rossa or take them off?—Kay has never been with me, sir.

12,316. Did you ever see Giddings or Hilbert take off or put on the handcuffs in your presence?—No, sir.

12,317. It is about two years I believe since this happened. Is your memory very clear about the facts?—Sir?

12,318. Is your memory about the whole transaction clear and distinct?—I can't remember the things that are transacted then, sir, a great many of them.

12,319. I understood you to say that your reason for thinking that he was handcuffed at one time with the hands before him was, that you remember to have put them on so yourself?—I know he was handcuffed before, sir.

12,320. Have you any reason to know that, except from the recollection that you put them on yourself?—I have seen him with them on, sir.

12,321. Are you quite certain as to when that was?—No, sir, I am not.

12,322. Or whether it came within that particular period when he was confined under report for this particular attack on the governor?—No, sir, I am not.

12,323. Then it may have been when he was confined for the riotous conduct in the cell?—Yes, sir.

12,324. Or it may have been when he was confined in his cell, which he frequently was, previous to that time?—He wouldn't have the handcuffs on, sir, without he had committed some degradation or other.

12,325. But if he had been doing damage in his cell, or had been guilty of improper conduct in his cell, he then would have been handcuffed as a mode of restraint?—Yes, sir.

12,326. I understood you to say just now that you cannot state distinctly whether the time you saw him with the handcuffs on that you are now alluding to was when he was imprisoned for the riotous conduct in the cell, or when he was under restraint for assaulting the governor?—No, sir.

12,327. (Dr. Lynam.) At what hour were the handcuffs put on O'Donovan Rossa on the first morning that he was handcuffed after this assault on the governor?—They were generally put on the first thing in the morning, sir.

12,328. No; I ask you about the first day that he was handcuffed after this assault?—I couldn't say about the first day, sir.

12,329. Can you remember whether you were present or not on the first occasion of his being handcuffed?—No, sir, I cannot.

12,330. Can you remember whether you were present the second, the third, or the fourth day of his being handcuffed?—No, sir.

12,331. Can you fix in your memory in any way on what occasions you saw him handcuffed, or took part in putting the handcuffs on?—I cannot fix any date whatever, sir, only that after the order was given for him to have his handcuffs put on if I was there I assisted, and if I was not somebody else did.

12,332. You stated to Lord Darnley while ago that O'Donovan Rossa was handcuffed for three days with the handcuffs behind his back?—Yes, sir.

12,333. Were these three days consecutive days, were they one after another?—To the best of my belief they were, sir.

12,334. What reason have you for thinking that he was handcuffed with his hands behind his back the second and the third day at all?—Well, I remember that was about the time that he had them on, sir.

12,335. Do you remember that from your own observation, or did anybody tell you?—No, sir; my own observation.

12,336. Do you undertake to say that he was not handcuffed with the hands behind on the fourth or the fifth or the sixth day?—I wouldn't say about the fourth; it might have been three or four, but it was not more.

12,337. Why does your memory go to four days and not to five or six days?—Because I am sure of it, sir.

12,338. Why are you sure of it?—Because I remember after the third day that they were put on to him.

12,339. Why do you remember it?—Well, I don't know that I have any particular reason to remember it, but I do remember it, sir.

12,340. At what particular time of the day were the handcuffs, in your recollection, after the third or fourth day put in front?—I couldn't say, sir.

12,341. Was it during his meal hours?—They would be shifted from behind when he had his meals.

12,342. They would be shifted from behind?—Yes, sir, so that he could have his meals.

12,343. And how would they be then put?—They would either be taken off altogether, or put in front.

12,344. Which was done?—I wouldn't be positive, sir.

12,345. You have no clear recollection where they were shifted from, behind, whether they were put in front or his hands left free?—No, sir.

12,346. Was it your business to handcuff him or to superintend the handcuffing at all?—It was, sir.

12,347. By whom was the handcuffing most often done?—Sometimes Mr. Allison does it.

12,348. Did he do it often?—No, sir; not very often.

12,349. Did you yourself do it often?—I have done it part of the time while he has had them on.

12,350. Who else under you: directions put them on?—Assistant warder Douglas put them on, sir.

12,351. Who else?—Nobody else, sir; without either of us was not present.

12,352. Do you mean to say that neither Hibbert nor Giddings had anything to do with putting on the handcuffs?—Not without us were not there.

12,353. That is unless you were absent it was not their duty?—Yes, sir.

12,354. Whose duty was it to take off the handcuffs at night?—Mine or assistant warder Douglas, whichever service was there.

12,355. Whose business was it to take them off during dinner hour?—Either of us, sir.

12,356. Whose business was it to put them on the first thing in the morning?—Either of us, sir.

12,357. Either of whom?—Me or assistant warder Douglas.

12,358. Do you think that you can trust your memory at all to speak with certainty as to any facts which took place with regard to the handcuffing of O'Donovan Rossa?—I can say that he hadn't them on more than three or four days behind; but he has had them on a longer period in front.

12,359. Can you give any reason to show that your memory is correct in regard to it?—(No answer.)

12,360. You repeat over and over again a period of three days; but I want to know have you any reason for stating that he was only handcuffed behind three days?—Well, I don't know that I can state any particular reason.

12,361. Why can you state that he was handcuffed three days more than one day?—Oh yes, I can, sir.

12,362. Why?—Because I see them on him; I remember putting them on.

12,363. Now will you look at this book. Whose handwriting is that (an entry in the separate cells book)?—Mine, sir.

12,364. Is that your entry (another entry)?—Yes, sir.

12,365. "J. O'D. Rossa placed in handcuffs behind by order of the governor"; is that your hand writing?—Yes, sir.

12,366. Is that your handwriting (another entry)?—Yes, sir.

12,367. "J. O'D. Rossa, handcuffs removed from behind by order of the governor"; is that your handwriting?—Yes, sir.

12,368. On the 18th there is another entry "J. O'D. Rossa replaced in handcuffs by order of the governor"; is that in your handwriting?—Yes, sir.

12,369. It is not there stated either behind or in front?—No, sir.

12,370. Is that your handwriting on Friday the 18th; "Jeremiah O'D. Rossa, handcuffs replaced"; is that your handwriting?—Yes, sir.

12,371. On that day were the handcuffs put on behind or in front?—They were in front, sir.

12,372. Why do you say that? What reason have you for thinking?—Those were the times, sir, from one to the other.

12,373. Is that your handwriting (another entry)?—Yes, sir.

12,374. "20th of June 1868, J. O'D. Rossa, handcuffs replaced at 6.45 a.m." Is that your handwriting?—Yes, sir.

12,375. There is no mention there as to their being behind or before?—No, sir.

12,376. If an order had been given to put the handcuffs on behind, could you, of yourself, either directly yourself, or by giving directions to another, change the handcuffs from their position behind to the front, without distinct authority?—No, sir.

12,377. Is there any distinct authority that you know of to vary or alter in any manner the order here entered on the 17th of June. "J. O'D. Rossa placed in handcuffs behind by order of the governor"?—There would be an order given, sir.

12,378. Where would the order be given?—It might not be entered in the book, from the governor to change the handcuffs.

12,379. Was there any order given to change the handcuffs from behind to the front?—There must have been an order, sir, or they would have been kept behind if there was not.

12,380. Was there an order?—(No answer.)

12,381. (Charterhouse.) Did you receive any order?—I knew that the handcuffs were changed from behind to the front.

12,382. But my question is, did you receive any order to change them. You say a change could not take place without an order. Did you receive any order?—(No answer.)

12,383. Did Allison give you an order?—I wouldn't say whether he had given me a positive order, sir, or come in and said "the handcuffs have been shifted from behind to front."

A. Brown.
2 Aug 1870.

A. Brown.

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12,384. Should you consider that an order?—Yes, sir.

12,385. To say that they were to be shifted or had been?—That they had been.

12,386. You call that an order?—Yes, sir.

12,387. (Dr. Lyons.) Do you say that such a statement as that was made to you by Alison or anybody else at any time?—I don't remember, sir.

12,388. Did you receive any directions from Captain Harvey or Captain Powell with regard to changing the position of the handcuffs from the position from which they were first placed to the front?—To the best of my belief, Mr. Alison, I think it was he, told me that they were shifted from behind to front, that they were to have been, or have been.

12,389. (Chairman.) That they were to be shifted?—Yes, sir.

12,390. When was that?—At about that time, Mr. Alison, if he was there, would have given me the order that they had been.

12,391. What day did Alison tell you that?—I cannot say.

12,392. (Dr. Lyons.) Where did he tell you?—In the cells.

12,393. In whose presence did he tell you?—I couldn't say, sir.

12,394. Was it in the prisoner's presence?—That I couldn't say, sir.

12,395. Was it in the presence of any warder?—I couldn't say, sir.

12,396. Are you positive that he ever stated any such thing at all to you?—(No answer.)

12,397. Are you positive that Alison made any such statement to you at all, or has it just now occurred to your memory?—(No answer.)

12,398. Are you sure that he ever made any such statement at all to you?—(No answer.)

12,399. (Mr. De Vere.) Surely you can say whether you are sure of it or not.

12,400. (Chairman.) You must answer the question. You came here to answer and to tell us the truth?—Yes, sir; I answer as far as I can remember.

12,401. Answer that question. You told us Alison did, and you were asked to be sure?—(No reply.)

12,402. (Dr. Lyons.) I ask you again are you sure he ever made any such statement to you at all?—I wouldn't be positive, sir.

12,403. (Mr. De Vere.) You said just now that there must have been an order or he would have been kept with his handcuffs behind?—Yes, sir.

12,404. An order from whom?—From Captain Powell, sir, or Captain Harvey, or whoever was there.

12,405. You mean the acting governor?—The governor or deputy governor, sir.

12,406. Then if there was no order that the handcuffs should be changed from the governor or deputy governor, they would remain as they were at first?—Yes, sir.

12,407. (Dr. Lyons.) Would Alison have authority to change the position of the handcuffs?—No, sir.

12,408. Is that your handwriting (an entry in the separate cells book)?—Yes, sir.

12,409. And that?—Yes, sir.

12,410. And that?—Yes, sir.

12,411. And that?—Yes, sir.

12,412. And that?—Yes, sir.

12,413. Is that not yours?—No, sir.

12,414. Is that?—Yes, sir. (Witness identifies several other entries as his handwriting.)

12,415. The majority of those entries are in your handwriting?—Yes, sir.

12,416. From the 17th of June down to the 21st of July, the majority of the entries here which have reference to the hand-cuffing of O'Donovan Rossa are in your handwriting?—Yes, sir.

12,417. Nearly all, or the great majority of those entries on this point are in your handwriting?—Yes, sir.

12,418. When those entries were made by you, was it that the word was given to you by the warder who

put on the handcuffs or that you had yourself put on the handcuffs?—No, sir; I was not there always to put them on, but they told me they were put on; afterwards I have seen they were on.

12,419. Then in point of fact those entries are made on the faith of what was done by other officers who reported to you?—Sometimes, sir.

12,420. In the majority of the entries is not that so?—Some of them, sir.

12,421. Might it not be so in the majority of the entries?—(No answer.)

12,422. Did you in the majority of those entries make the entries from your own knowledge that he was handcuffed at the precise hours mentioned, or from the reports of the warders acting under you?—No, sir; I might say in most of them that I had put them on myself at the time.

12,423. (Dr. Greenhow.) Do you recollect distinctly that you put them on yourself?—Yes, sir.

12,424. (Dr. Lyons.) You see that is not consistent with what you said a little while ago?—(No reply.)

12,425. When you made those entries, do you say that you handcuffed him on nearly all those occasions?—I say I put them on sometimes, sir.

12,426. Here are a great number of entries, from the 17th of June to the 21st of July, nearly all, with four or five exceptions, are in your handwriting. I want to know did you make those entries of your own knowledge, or did you make those entries from the reports of the warders who put them on?—As far as I know it was all my own putting on.

12,427. What do you mean by your "own putting on"?—Putting the handcuffs on.

12,428. Did you, as a matter of fact, put on the handcuffs in many of the instances recorded there in your own handwriting at 4.45 in the morning?—Yes, sir.

12,429. Did you take them off in the evening at the time the entries are made in your handwriting?—Every other night, sir.

12,430. Not every night?—Not every night, sir.

12,431. When you took them off for the night in what position were the handcuffs at the time?—In front, sir.

12,432. Are you quite sure of that?—Yes, sir; the greatest part of the time.

12,433. If the warder who put them on after supper states he put them on behind, would you be sure that your recollection is right when you say you took them off from the front?—Sir?

12,434. If you were told that they had been put on behind after his supper, would you be so sure of the matter that you could say you removed them from the front when you removed them for the night?—But all this greater part of the time they were not on behind.

12,435. If it was stated that they were on behind after his supper, can you now be positive, from your recollection, that when you took them off the hands were handcuffed in front?—Had he been handcuffed behind, sir, I should have known it.

12,436. (Chairman.) It has been stated to us that for more than the three days the hands were handcuffed behind after supper. That having been stated to us what do you say to it?—No, sir. I said before three or four days.

12,437. (Dr. Lyons.) If as Lord Devon explained to you a much longer period intervened, and that his hands were stated to have been handcuffed behind after his supper, can you remember distinctly that same time during that period when you removed the handcuffs for the night the hands were in front?—I might have remembered it if they were behind, sir.

12,438. But do you remember?—I don't remember such a thing occurring, sir.

12,439. At what hour in the evening did you take off the handcuffs?—At looking up time, sir.

12,440. Do you remember on any of those occasions finding his hands placed behind his back?—No, sir.

12,441. Did you at any time remove the handcuffs in order to let him take supper?—Yes, sir.

12,442. In order to let him take supper?—Yes, sir.

12,443. Are you clear and distinct about that?—Yes, sir.

12,444. Where were the handcuffs at the time?—In front, sir.

12,445. On what occasions were these; did it occur more than once?—Yes, sir.

12,446. How many times did it occur?—A good many times, sir.

12,447. A good many times?—Yes, sir.

12,448. A dozen times?—Yes, sir.

12,449. A dozen times. Did it occur more than a dozen times?—Yes, sir; that is from the time he had them on until they were taken off altogether.

12,450. Did it occur twenty times?—Yes, sir.

12,451. Did it occur more than twenty times?—It might have done so.

12,452. Did it occur thirty times?—I should imagine about the length altogether he had them on.

12,453. Did it occur thirty times?—I couldn't say for any certainty the time.

12,454. But you say twenty times?—Yes, I can say that.

12,455. That you removed the handcuffs to enable him to eat his supper, they being in front?—In front.

12,456. Did you do that every night or every alternate night?—For his supper I might do it every night, sir.

12,457. But did you?—I couldn't say for certainty.

12,458. Did you remove them twenty times to let him take supper?—Yes, sir, I daresay I have.

12,459. Where were his handcuffs at the time you removed them?—In front, sir.

12,460. What makes you distinctly remember that they were in front?—Because I remember his not having them behind for a length of time, sir.

12,461. But do you remember it as a fact that his hands were not behind on those occasions which you say that for twenty times you removed them for his supper?—Yes, sir.

12,462. You state that as a fact?—Yes, sir.

12,463. If other witnesses stated that on many occasions they removed them from behind to front to enable him to take supper, and that late in this period, what would you say?—I shouldn't think it, sir. I don't think any one could say so.

12,464. Well, it has been said so and by more than one person. Now hearing that can you rely on your memory so positively as to state that you did remove the handcuffs and found his hands in front when you locked him up for the night?—Yes, sir.

12,465. (Dr. Greenhow.) Have you given evidence on this subject before?—No, sir.

12,466. Were you present when he committed the assault you have spoken of? When O'Donovan Rossa threw the contents of his chamber on the governor, were you present?—Yes, sir.

12,467. Did you give evidence when the case was investigated before the director?—There was a report made to the office to that effect.

12,468. Did you give evidence before the director?—It was a written statement, sir.

12,469. You wrote a statement?—Yes, sir.

12,470. And signed it?—Yes, sir.

12,471. Were you on oath when you made that statement?—Yes, sir.

12,472. You were on oath?—Yes, sir.

12,473. Do you recollect what that statement was?—No, sir, I do not.

12,474. To the best of your belief what was it?—I couldn't say, sir.

12,475. You feel no doubt that after the prisoner throwing the water on the governor you shut the door of the cell yourself?—Yes, sir.

12,476. You did yourself shut the door?—Yes, sir.

12,477. (Chairman.) Are you quite sure, because we have got a record of what was then stated?—Yes, sir.

12,478. (Dr. Greenhow.) You are quite sure that you shut the door?—Yes, sir.

12,479. Then it is quite a mistake to say that Rossa shut the door?—No, sir; I think I shut it.

12,480. For what reason did you shut the door?—For the governor said, "Shut his door."

12,481. (Dr. Lyons.) What door do you refer to?—The wooden door, sir.

12,482. (Dr. Greenhow.) You have just been questioned on the subject. We have seen the evidence you gave on the trial of the case before Captain Du Cane. I want to know you how reconcile your statements. You have told me you shut the door yourself, and on that occasion you swore that O'Donovan Rossa shut the door violently. This is your evidence, and is signed Alfred Brown. "Being duly sworn, states, on Tuesday the 16th of June 1868, at about 12.10, p.m., I accompanied the governor on an inspection of the cells in prison class. When in the usual way I opened 449, prisoner Jeremiah O'Donovan Rossa's door and called him to 'attention,' he being at the time sitting on a stool close to the door, when he rose up off the stool and made a movement as if thought of picking up a jacket to put on as he was sewing it, instead of which he picked up his cell pot and threw the contents over the governor, which covered him from head to feet and myself. He then slammed the door so in the governor's face as in the most violent manner. His conduct for some time past has been highly insubordinate and disrespectful towards the superior officers."—I thought it was myself, sir, for I remember the governor saying "Shut the door." I thought I put my hand through the iron gate and closed it. That is my memory.

12,483. Then in point of fact, the evidence you have given to-day altogether is unworthy?—No, sir.

12,484. What you have told us to-day is based on a very important recollection, and we are not to believe what you have said. Is that the case?—No, sir.

12,485. You see you have contradicted yourself many times over?—I have given the best of my belief.

12,486. I am allowing that; but I may say that the evidence you gave to-day is based on such a very imperfect recollection that we are not to accept it as perfectly correct?—No, sir, I can't say that.

12,487. How do you reconcile what you have three times told me distinctly that you shut the door, and here I show you that you swore Rossa slammed it out himself. How do you reconcile that?—I am wrong there, sir.

12,488. Were you wrong also when you told us that you put the handcuffs on after breakfast, they having been taken off to allow him to eat his breakfast?—To eat his breakfast and clean his things, sir?

12,489. Were you mistaken, then?—No, sir.

12,490. Are you mistaken in his being only three days handcuffed?—No, sir; three or four days.

12,491. But your recollection of all those circumstances is very imperfect, is it?—No, sir, it isn't, sir.

12,492. Did you believe when you came into this room that Rossa had been handcuffed 35 days?—No, sir.

12,493. How long did you think he had been handcuffed?—Altogether, sir?

12,494. Yes, on that occasion?—Well, I thought about a month, sir.

12,495. (Dr. Lyons.) Did you see Rossa when he was brought before Captain Du Cane for trial? Were you one of the persons who brought him before Captain Du Cane for trial?—No, sir; I didn't take him in.

12,496. Did you see him on that occasion?—Yes, sir.

12,497. How was he handcuffed when he was brought before Captain Du Cane?—(No answer.)

12,498. (Chairman.) Can you not recollect?—I forget, sir, whether he was handcuffed at all then or not.

A. Brown.

2 Aug. 1876.

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12,504. (*Dr. Lyons.*) Can you state positively how he was on that occasion. Was he handcuffed behind, or in front, or how?—No, sir, I wouldn't answer.

12,505. (*Chairman.*) Did you hear Alison on that occasion ask the governor whether he was to take the handcuffs off?—I don't remember, sir.

12,506. (*Dr. Lyons.*) Do you remember anything sufficiently well to speak as to whether he was not handcuffed, or was handcuffed in front or behind on that occasion?—I don't think he was handcuffed at all, sir.

12,507. You have seen by what Dr. Greenhaw has read for you that you have been greatly mistaken. If you were told, as I now tell you, that other witnesses

have stated in the most positive manner that Ross was handcuffed with the hands behind his back after supper, would you not think that having been so mistaken in reference to one matter you may be easily mistaken when you say he was not handcuffed with the hands behind his back after supper?—Only three or four days, sir.

12,508. Later on through the whole period of handcuffing, it was stated positively by those who put them on, that he was handcuffed with the hands behind his back. You say they have been greatly mistaken?—In that, sir.

12,509. I want to know whether you can be so positive in saying that he was not handcuffed behind afterwards?—No, sir, only there three or four days.

The witness withdrew.

The Commission adjourned.

No. 3, Parliament Street, London, Friday, 5th August 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE CHARLES BROOKING.
STEPHEN E. DE VEEB, Esq.

DR. LYONS.
DR. GREENHAW.

W. SPENCER OLLIVANT, Esq., Secretary.

Captain WICKHAM TALBOT HARVEY examined.

Capt.
W. T. Harvey.
5 Aug 1870.

12,506. (*Chairman.*) Captain Harvey, you are, I believe, at present governor of the convict prison at Portsmouth?—Yes, my lord.

12,507. You were some time deputy-governor of the convict prison at Chatham?—Yes, my lord.

12,508. You were there in the year 1868, I think?—Yes, I was, my lord.

12,509. Do you recollect in the year 1868 an assault which was committed by the treason-felony prisoner, O'Donovan Rossa, on the governor, by throwing on him the contents of his urinal?—I recollect the circumstances.

12,510. You were at that time resident in the prison?—I was.

12,511. Were you present on the occasion of the assault?—I was not.

12,512. When did you first hear of it?—Well, I suppose within five minutes after it occurred.

12,513. Are you cognizant of any steps taken with regard to it during that afternoon, that is the afternoon of the 16th of June?—As far as I can recollect the governor ordered that the prisoner should be placed under restraint for the assault.

12,514. Was it on that day?—Yes, it was; I am almost certain. If you will allow me to remark, my lord, so many circumstances of importance to myself have occurred since then that really it has tended to obliterate what had occurred, and I have a great difficulty in taxing my memory for such a length of time back.

12,515. Of course you will tell to the best of your power what you recollect. Do you know what took place on the next morning?—On the next morning of the assault the governor went on leave and I remember taking over charge of the establishment.

12,516. Previous to his doing so did he give you any instructions or communicate to you any order which he had issued with reference to O'Donovan Rossa?—Yes, my lord, he told me to place him under restraint.

12,517. How were you to place him under restraint?—He was to be handcuffed with his hands behind his back.

12,518. Was that a written order?—It was a verbal order.

12,519. That he was to be handcuffed with his hands behind his back. Was there anything said as to the

time during which he was so to be handcuffed?—No, my lord; there was no time specified.

12,520. What steps did you take in consequence?

—I ordered the prisoner to be placed under the restraint, as ordered by the governor.

12,521. When did you give the order?—Within, I should think, half an hour of the occurrence of the assault.

12,522. To whom did you give the order?—I cannot quite say my memory.

12,523. Was it to Alison?—I am not positive; with that I cannot tax my memory.

12,524. In giving the order to the person, whoever it was that you gave it to, did you give a limitation of time in reference to the handcuffing behind the back?

—No, my lord, I did not.

12,525. You did not?—Beyond the usually understood limit, that they are brought to his front during his meals, and also at the night time. That was the ordinarily understood limit.

12,526. When you say "understood" is there no written regulation on that point?—That has always been carried out to my knowledge, and there is no regulation on it—an understood thing that a prisoner has his handcuffs always brought to the front during his meals if they are put on as a measure of restraint, and also in the evening for bed time.

12,527. (*Dr. Lyons.*) Brought to the front for bed time?—Yes; if there is anything dangerous, for instance, a suicidal tendency, as it would be impossible to watch him all night long.

12,528. (*Chairman.*) But would it only be in such a case as that that the handcuffs would be kept on at night in front?—Only in case of a prisoner being dangerous.

12,529. You gave us order as to time?—No, my lord, I did not.

12,530. You only directed that they should be taken off at meals and at night?—Yes.

12,531. (*Mr. De Vere.*) That they should be put to the front at meals I understand?—Yes, and taken off at night.

12,532. (*Chairman.*) Taken off entirely at night?—Yes, unless the medical officer was to assert that the prisoner was in a dangerous state.

12,533. But did you say that to the witness?—No, my lord, I did not.

Copy.
W. T. Murray.
3 Aug. 1878.
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12,533. Having given the order that he should be so placed in handcuffs, what steps did you subsequently take to ascertain that that order was carried out?—In my inspection I went round different times.

12,534. How often did you inspect?—Twice a day in the usual time, and then sometimes at night.

12,535. How often, in point of fact, did you inspect the separate cells on this occasion?—That I am not prepared to say, my lord.

12,536. The order you gave was on the 17th; did you visit O'Donovan Rossa's cell on the 18th?—I did.

12,537. How did you find him then as regards restraint?—Well, as far as I can recollect, I visited him during usual times, and then he had his handcuffs in front, but it was understood that he would have them behind his back after he had done his meals.

12,538. What constituted the understanding?—That they cannot take them off without an order.

12,539. Therefore, you having once ordered handcuffing behind the back, the warder's duty would be to continue to set on it, with the exception you have referred to, until you gave a counter order?—Yes, my lord.

12,540. The 19th, do you recollect going to visit him?—Just the same, my lord.

12,541. Did you find the same?—No; when I visited him next day he had them behind his back.

12,542. Did you visit him next day again?—No, my lord, I did not, because I headed over charge to the governor, he was away on three days' leave.

12,543. Then the governor returned?—The governor returned.

12,544. Up to the time of the governor's returning you had given no order that the handcuffs, instead of being behind should be in front?—I had not, my lord.

12,545. And supposing no counter order was given would it be the duty of the warder to continue the handcuffing behind, with the exception of the intervals referred to, until directions were given to the contrary?—Yes, my lord, but I may remark that 72 hours is generally the limit a prisoner is kept in handcuffs, unless there should be special grounds for continuing the restraint.

12,546. Kept in handcuffs at all?—I have never known it exceed that.

12,547. What is the longest period you have ever known a man kept in handcuffs behind the back?—72 hours, that is to say, 12 hours of the three days, not in the night time. We call it 72 hours, but they do not have them on all that time.

12,548. You have never known a man handcuffed behind more than 72 hours?—I have not, my lord.

12,549. (Mr. De Vere.) Do I understand that to apply to handcuffs in front?—Handcuffs of any kind. I have never known more than 72 hours.

12,550. (Chairman.) What is the longest time you have known a man handcuffed behind his back?—It was that occasion.

12,551. When you gave up charge of the prison to the governor, O'Donovan Rossa was subject to the sentence which you had passed on him?—To the sentence that the governor had passed on him. He ordered him to be placed that way. I left him in the state in which I found him.

12,552. Do I understand that that was on the morning of the 20th?—Well, it was three days. The governor returned the fourth day.

12,553. The assault took place on the 16th, and the governor returned the fourth day from the 16th?—So I presume; that must have been so the 20th.

12,554. What more do you know of the case after the return of the governor? Did you see O'Donovan Rossa again?—I saw him several times in the course of my duty.

12,555. Between that and the end of the month did you see him again?—Oh yes, several times.

12,556. Was he then under restraint?—No, my lord; not that I can recollect.

12,557. Where did you see him in the cells?—There

is one circumstance that particularly attracted my attention and makes me feel confident that the prisoner was not continuously handcuffed behind at that time: that is on my visiting the cells one day the prisoner was standing—if you allow me to show you, in this way, (Witness puts his hands behind his back), and not being aware that the prisoner was ordered to be handcuffed behind, as of course I should have known of the fact, I asked one of the officers in the separate cells. I said, "O'Donovan Rossa is handcuffed behind again, by whose orders?" He said, "No, sir, he is not handcuffed behind." I said, "I am almost certain." He said, "You must be mistaken." So I went back and looked through the inspection hole and saw him walking up and down his cell with his hands at his side. That circumstance struck me that day; whether it was accident on his part or not, I don't know. That circumstance brings it to my recollection.

12,558. At what time of the day was it?—The afternoon.

12,559. At what time?—No, my lord, it was somewhere about 4 or 5 o'clock in the afternoon. That is the only circumstance that is really impressed on my mind connected with what occurred.

12,560. (Mr. De Vere.) Could you fix that date. Five days after what was it?—When I say five days, I should not like to swear it was five days, but I know it was within a very short time after the governor's return.

12,561. Then you would say about five days after the governor's return?—As near as I can recollect: I should not like to be too positive.

12,562. (Chairman.) When you saw him on this occasion, standing with his hands behind him, was the door of his cell open?—Yes, my lord.

12,563. He was cognisant of your presence?—I passed him, so that if he had any complaint to make he might make it. That is the object of the visit.

12,564. How long after that was it that you looked through the hole?—About a minute I should say. I had walked the length of the building, and spoken to one of the officers, and when he said I was wrong I went back again to satisfy myself, not thinking it likely that he would stand in that position for his own amusement; and I looked through the inspection hole and he was walking up and down the cell with the hands at the side.

12,565. Who was the officer to whom you spoke?—I do not recollect, my lord; there were three or four officers stationed there.

12,566. Who are they?—That I cannot say, for if one was on leave, he was replaced by another.

12,567. You say this occurred within five days after the governor's return?—As well as I can recollect.

12,568. Can you mention any other occasion on which you saw O'Donovan Rossa?—I visited him different times, so it was my duty to do. I made the rounds of the prison, and I visited him amongst the others. I know that I inspected his food on three or four occasions when he spoke about it.

12,569. Did you observe any handcuffs on him on any other occasion?—He had no handcuffs on; I am positive of that.

12,570. On any other occasion?—No, my lord, he had not.

12,571. (Dr. Ligon.) At what hours did you visit him?—I am under the impression that I saw him once with handcuffs on in front. Yes, I remember he had his handcuffs on in front when I visited him once.

12,572. (Chairman.) Can you fix the date of that?—No, my lord, but the only way in which I can substantiate it is that he had pulled up the stool of his cell, he had battered in the glass of his window, and, in fact, smashed everything. I remember he then had the handcuffs put on in consequence of destroying everything.

12,573. Can you say was that after the promulgation of the governor's sentence?—I cannot say. I think there was a cell prepared for him. So much has occurred since then I have great difficulty to tax

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my memory. I should be sorry to say anything that would mislead.

12,574. Do you feel confident now that you saw him without handcuffs, though his hands had been behind his back when you saw him first?—Oh yes, my lord, for I went back at once. I was rather taken aback at not having heard that he was to have the hands behind, and I said to the officer, "There is a Donovan Rossa in handcuffs behind his back; how is this?" He said, "No, sir, he is not." I said, "I am almost certain." Then I went back and saw him walking up and down, and he had not his handcuffs.

12,575. Having been aware that the order was given on the 17th of June, and that it would be irregular for the warden to fail to carry out the order, which order had been to place them behind, unless a contrary order had been given, why should you have been surprised to see him with the hands behind that day?—He had not them on the day previous, when I had visited him, and it struck me as curious.

12,576. He had not the handcuffs on the previous day?—The governor took the handcuffs off either the day he came back or the next day, and it struck me as strange that he had them on again.

12,577. Can you point to any order in the books by the governor on that occasion to take them off?—I cannot say my memory; I do not recollect exactly.

12,578. We have no record of any such order in the books. How do you know that the governor gave the order?—I am under the impression I heard something about the order, but unless I could refresh my memory from documents, it is impossible for me to tell.

12,579. Is it not possible that you may lie under the impression the governor gave the order from the fact of yourself seeing him without handcuffs?—Yes, my lord, I think it is just possible that that may be.

12,580. In this book which I hold in my hand, Captain Barry, which is the "separate cells book," kept, as I understand, by the principal warden, the first entry which we have on this matter is under the head of the 17th of June, "J. O'D. Rossa placed in handcuffs behind, by order of the governor." That was the day after the assault. The next entry is on the evening of that day, "7.30 p.m., handcuffs removed from behind, by order of the governor."—I was acting governor then. That only shows, my lord, how little I remember of what occurred, that I did not remember that fact.

12,581. "Thursday, the 18th, J. O'D. Rossa, released in handcuffs, by order of the governor," no word said about "behind." On the evening of that day, "J. O'D. Rossa's handcuffs removed." The morning of Friday, the 19th, "Jeremiah O'Donovan Rossa's handcuffs released;" the evening of that day "handcuffs removed." Passing to the next day, the 20th, we find in the morning "handcuffs released," and on the evening of that day no entry. On that day, that evening of Saturday, Captain Hardy visited the cells. That is your recollection?—Yes, my lord.

12,582. On the 21st of June we have "Jeremiah O'Donovan Rossa handcuffs released," on the evening of that day "handcuffs removed," and so it goes on until July the 20th, the only occasion on which the words, "Handcuffs behind" is mentioned being the first?—I see.

12,583. Now, supposing that you know nothing whatever of the testimony before, should you infer from that book that the handcuffs were released before, or that the placing of the handcuffs behind continued during the whole of that period?—Well, it ought to specify that they were put behind if they were put behind.

12,584. Then under what authority would the alteration from failing to carry out the original order be legitimate and proper?—From the governor.

12,585. No such order you see is entered. You cannot tell us of your own recollection that any order modifying the original order was issued?—Well, I cannot say my memory as to that. I know that I am

under the impression that the irons were removed through my not seeing him wear them. The duties are done week and week about, the inside and the works, and I am under the impression that when I did assume inside duty I found the prisoner without handcuffs on. That is the impression which I am under now, and particularly from the fact that, as I stated before, I saw him with the hands behind, and went back to see whether he was handcuffed behind, and found it not to be the case.

12,586. Did you know a warden of the name of Douglas?—Yes, there was a man of that name; he was an assistant warden if I am not mistaken.

12,587. Supposing that one of the wardens had told us that O'Donovan Rossa may have been handcuffed with his hands behind him for three weeks possibly, and that another told us he might have been for a month, should you think they were under a misconception as to that?—I am positive, my lord, that it is simply an impossibility.

12,588. Do you know a warden of the name of Herbert?—Herbert?

12,589. Herbert?—I fancy I remember the name, but I will not be positive. He was not one of the permanent officers there I know. The only permanent officers I recollect are wardens Brown—I know he was there—and principal warden Allison. These are the only two names that I recollect. I know there were several others on duty, but I do not quite recollect the names.

12,590. Supposing two of the wardens had told us that for a period varying from three weeks to a month they believed that the most of that period at least he was manacled with the hands behind, that would not be in accordance with your recollection?—No, my lord; certainly not.

12,591. (Mr. Bradrick.) Is it your impression that he was handcuffed the very day of the assault? I understood that from you?—Well, I think he was. I think he was handcuffed the day of the assault.

12,592. You think within half an hour afterwards?—Well, I fancy so.

12,593. When an order is given to handcuff a prisoner, whether in front or behind, how long is that order understood to last?—Until it is counter-ordered by a superior officer; by the officer in charge of the prison whoever that may be, the governor or the deputy governor in charge.

12,594. Then would it be the duty of the warden in charge of the separate cells to go on handcuffing morning after morning, until he was told to stop?—Yes, until he was ordered to stop.

12,595. And would it be his duty to go on handcuffing morning after morning, in the manner directed, that is, in front or behind, as the case may be?—It would.

12,596. And supposing a mode of altering the handcuffing was ordered by order of the governor, would it be his duty to enter that alteration in the "separate cells book" or in some other book?—It should be entered in the "separate cells book."

12,597. Should you not in ordinary cases infer from the absence of any such entry, that the original mode of handcuffing had been continued?—Well, being in the service, I am rather inclined to say I should not, because a prisoner never to my knowledge has his handcuffs behind his back more than 72 hours. As I stated before I do not suppose such a thing has been known in the service; at least, at all events not to my knowledge. Of course he would have to receive his orders from the officer in charge of the prison. But I do not think the entries in the journals are correct. At the same time if principal warden Allison was taken off, and any other man performed his duty, he might omit to make any entry that day. But I do not think it likely he would have the handcuffs on more than 72 hours, unless his conduct continued bad.

12,598. How long, according to your recollection, was O'Donovan Rossa handcuffed at all, whether in front or behind?—Continuously?

12,599. Continuously, but with the breaks for meals

and at night?—Well, I should not think more than five days at the outside, as far as I can recollect.

12,600. Now, supposing you found that not only in the "separate cells book," but in the "chief warden's book," and also in the "governor's journal," it was perfectly clear by entries, day by day, and night by night, that he was handcuffed continuously 34 days, would not that change your impression?—Well, it would—I should be rather inclined to think that there was an omission in the entry. I do not think the prisoner could be kept in handcuffs that time without my knowledge.

12,601. It is perhaps right that I should mention that what I have stated as supposition is fact, and that not only, as Lord Devon has stated, in the "separate cells book," but also in the other two books, there are entries day by day that show O'Donovan Rossa to have been handcuffed continuously 34 days, the handcuffs being removed at night. Bearing that in mind, may I ask you whether that would not modify the conclusion you would draw from your own recollection?—Well, I certainly do not recollect that number. I am almost positive of the fact that he could not have been in less than a week or five days—I have got a kind of recollection that four or five days—or about a week after the governor returned, or making allowance for my memory failing me in that point, 10 days cannot have elapsed, when the circumstance occurred that I saw the prisoner walking about the cell without the handcuffs on.

12,602. What time of the day was that?—It was in the afternoon, about 8 or 4 o'clock—about that time.

12,603. May it not have been some time when he was about to take a meal?—Oh no, the meal is in the middle of the day; that must either have been at 6 o'clock or a quarter to 12, or the first thing in the morning. There are no meals between whites.

12,604. Have you ever known an instance of a prisoner handcuffed for as many as thirty-four days?—No, never.

12,605. If a prisoner was handcuffed for as many as thirty-four days, would it not be almost as likely that he should have been handcuffed behind as before? Would it be a more unprecedented circumstance?—Well, it would be something that I never heard of; that is the only thing.

12,606. Have you any recollection of his being released from handcuffs?—No, because Captain Harby after the governor's return did the inside duty. I know I was away from inside the prison duty for three or four days or something of that kind, so that I do not know. I know that when I came back I am under the impression I found him without iron. That is the impression I am under.

12,607. Do you remember when you came back?—Well, I do not quite remember. It could only have been a very few days after the governor returned himself; but I do not quite recollect how many days it was. The only thing that fixes it in my mind is this one circumstance. I was under the impression the prisoner had not his handcuffs on; at all events, not behind his back, and I was struck with seeing him standing with his hands behind his back. That is the only thing I am positive about. Other things concerning him have slipped my memory in consequence of so many things of importance to myself having occurred since then.

12,608. Have you a clear recollection of his breaking things in his cell after being released from handcuffs, and of his being handcuffed a second time?—I recollect his breaking everything in his cell, and the handcuffs being placed in front.

12,609. Could you fix the date of that?—That I could not do, I am sorry to say. I recollect he pulled up his stool, and with the stool battered in the window, and where the gas is to light the cell broke it; and then the spy-glass in the window, he smashed that too; and then I remember the handcuffs were put on in front, because, if I am not very much mistaken, with the handcuffs in front he pulled the stool away a

second time in the cell where he was removed. But so many things occurred one on the top of the other at the time that I can hardly distinguish the days between the occurrence of one and the other. But I know he had his handcuffs in front when he tore the stool up the second time.

12,610. Have you any recollection of the director's visit?—No, I have not. The deputy governor does not attend the director's visit. He may visit the prison. We go through our usual routine of duty; we know that he is down, and nothing further.

12,611. (Mr. De Vere.) Who keeps the cell book?—The senior officer in charge of the penal and separate cells.

12,612. Who was the senior officer who kept the book at that time?—For a portion of the time principal warden Allison; if he was on leave or absent from any cause, warden Brown; between these two officers generally speaking.

12,613. Do you consider them steady men?—Well, my opinion of principal warden Allison is very high indeed. I think, for his position, he is one of the best men I have ever met. Warden Brown is not a brilliant man. I do not think he is much of a person at anything of that kind; but I think he is a sensible man; though by no means to be compared with Allison.

12,614. Do you think he is a man that would knowingly and willingly enter a false report of a matter done by himself?—Well, I should think not, from what I know of him; certainly not.

12,615. Who keeps the governor's journal?—The governor.

12,616. I need not ask you would he make entries that are untrue?—I sincerely hope not.

12,617. Who kept the chief warden's report book at the time?—Well, the chief warden would keep his own book.

12,618. Who was the chief warden at the time?—Was it a man named Turner?—Turner, yes. I know Turner was on the sick list, but I would not be certain it was at that time; I believe not. No; he kept his own book.

12,619. Do you think Turner is a man who would willingly falsify any statement?—Oh, no; certainly not.

12,620. Then if it should appear that those three books, kept by different officers, all men of the highest character, concur in showing that O'Donovan Rossa was handcuffed continuously, day after day, for a period of 34 or 35 days, would it make you inclined to doubt the accuracy of your memory?—I should prefer the entry of those three men to my own memory, certainly.

12,621. Well, it has been already stated to you that that is the result of the investigation of those three books?—That is the only thing, and I should prefer, decidedly, taking the entry, even of the principal warden alone, to anything that I can remember at this date. But the only thing that I have got fixed in my memory in some way or other is that time when I went back and looked and was thinking he was handcuffed behind.

12,622. Even though your memory may be perfectly accurate as to that fact, may not your memory deceive you somewhat as to the hour?—It may as to dates.

12,623. May it deceive you as to the hour?—Well, there is such a doubt in the face of those entries to contend with, that I feel that I am hardly fit my memory against those three entries.

12,624. Well, I do not wish to press you on that subject. I think you said to Mr. Fredrick that you never knew an instance of a prisoner being kept handcuffed behind more than 72 hours?—No, I do not recollect an instance.

12,625. Did you ever know an instance of a man handcuffed in front more than 72 hours consecutively?—Yes, on medical grounds, if a prisoner was considered dangerous; I think I do. Let me see. No, it was not the handcuffs, it was a body belt. It was on medical grounds. A man had attempted to injure

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himself, and the doctor recommended that he should have the body belt put on; I think it was kept on four or five days, and he was removed to the prison for lunatics.

12,626. Then it would be quite irregular to keep a man, without a fresh order, in handcuffs either before or behind more than 72 hours?—In any case the order would emanate from the governor. No, the governor could keep him longer, as a matter of restraint. If a prisoner is really dangerous and assaults everybody, as a matter of restraint he might be kept longer.

12,627. Would it be irregular to do so, even as a matter of restraint, without a renewal of the order from the governor?—He would not take him out without an order from the governor.

12,628. Which way does the rule lie? Is it the duty of the warden to keep the handcuffs on until he gets an order to have them removed, or is it the duty of the governor to renew the order if he wishes to keep them on after 72 hours?—The rule is that the prisoner is placed under restraint by order of the governor, and is not taken out of that restraint until another order has been given by the governor.

12,629. Did the governor on his return tell you that he did not wish in consequence of this assault having been committed on himself to interfere in O'Donovan Rossa's case until the matter was heard by the director?—Well, I really do not recollect. Of course a serious assault like that would have in any case to be referred to the director. Whether it is an assault on the governor or on a warden, it would have in any case to go before the director. He may have told me so, but I really do not recollect the circumstance now.

12,630. As a matter of fact did the governor abstain from interference in O'Donovan Rossa's case until the director came?—That I really cannot recollect, I am not prepared to say.

12,631. Did you understand from him that the management of O'Donovan Rossa's case was left in your hands after the governor's return?—After the governor's return?

12,632. After the governor's return?—It could not be in my hands. I was only deputy-governor. The governor is head of the establishment. When he came back from leave I handed over charge to him again.

12,633. I just ask you to tax your memory. As a matter of fact, are you aware that the governor, from a very natural feeling of delicacy, did not interfere with O'Donovan Rossa until the matter was heard by the director?—I think it is very probable that that would be the step he would take. I think it is very probable. From what I know of Captain Percell I believe that that is the most likely thing that he would do.

12,634. As a matter of fact, did you ever give any order whatever as to the removing of the handcuffs, or putting on the handcuffs, between the governor's return and the director's sentence?—No, I did not; not to my recollection.

12,635. Are you aware whether the governor or the other deputy-governor gave any such order?—Ah, that I don't know. That I am not prepared to say.

12,636. You are not aware?—I am not prepared to say whether he did or not.

12,637. (Chairman.) What would be the division of functions between the two deputy-governors?—Well, the works as you are aware my lord, are very large—extend over a large area, and it takes the deputy-governor the whole day slowly to inspect the works. He has to go round and visit every part, so that the prisoners are properly employed, and that the safety and discipline of the prison are looked after; and for that purpose the deputy-governor does the whole of the outside work.

12,638. One gentleman does the whole of the outside work?—Yes, and the other does the inside; but they do it alternately.

12,639. Alternate days?—Alternate weeks.

12,640. (Mr. De Vere.) Setting aside the recollection of the one day that you have spoken of to us, is your opinion that he was not handcuffed for that length of time based upon the general practice of the prison?—Well, yes; it is based on my experience of what I have seen, since I have been in the service. I never recollect a man kept that length of time in irons.

12,641. With regard to the general practice of the prison, would it be as great an irregularity that a man should remain 34 or 35 days handcuffed before as that he remain the same period handcuffed behind?—Well, I am really rather incompetent to give an opinion. Handcuffs behind are only put on when a prisoner is so very violent indeed that you can do nothing with him, because the handcuffs in front are very little restraint. A blow with the handcuffs is a fearful thing. They would never be put behind unless a man is very violent.

12,642. Was O'Donovan Rossa very violent on the occasion of that assault?—He was. He threw Principal Warden Allison, who was a troop sergeant-major of the 16th Lancers, down over his shoulder, as if he was merely a child.

12,643. When was that?—I cannot remember; somewhere about that time, I fancy.

12,644. What was his conduct when put under restraint, for the first three or four days, after the assault on the governor. Was he violent?—He tried to destroy the things in his cell. He unlocked the bricks in the walls of his cell. I cannot to this day make out how he could have done it; but he managed to pick out the mortar in the wall and actually loosed one brick.

12,645. Did he do that at night when the handcuffs were off or in the day time when they were on?—That I am not prepared to say.

12,646. Was there anything in his violent conduct at the time that made it necessary for the safety of the prison that he should be handcuffed with his hands behind his back?—Oh yes.

12,647. Will you state what there was in his conduct that rendered that course necessary?—I do not mean to say that the warders were afraid of him, but he was really very violent, he would not listen to reason at all; he would assault anybody; he used to destroy everything. He had been removed from one cell to another repeatedly. While one cell was undergoing repair he was moved to another; he would destroy what he could in that cell and go back to the other and so on.

12,648. Then, in your opinion, the violence of his conduct was such as to make the application of the mode of restraint by the use of handcuffs behind desirable and necessary?—I think so indeed, especially from the fact that the warders looked on the reason-felony prisoners as rather different from the other prisoners, and they felt diffident in using any violence with them; at all events, they thought that to use violence with them—ordinary violence that is allowed when they are assaulted—would not be approved of; so it was really for the protection of the warders that these measures of restraint were adopted. Otherwise, he would hardly get a man to do duty. He knew he would not be flogged—at least he had that idea, that he would not be dealt with as strictly as others would be, and the restraint was to enable the officers to carry on their duty.

12,649. Did he continue in a violent state until the time of the trial before the director?—Well, I am inclined to think he did; his principal grievance was that he had not been fairly convicted, and it was so that that everything seemed to kings.

12,650. If it was necessary, as a matter of restraint to put him in irons behind when first he was put under restraint, and if his conduct continued as refractory and as bad, it would be perhaps not unusual for a warden to think he would be justified in keeping the same mode of restraint on him during the period of his imprisonment?—He could not do so on his own

responsibility, a warder could not. What I mean to say is, he would not take them off without the governor's order, decidedly. But Ross at times used to keep quiet. I have known Ross as quiet and obedient for a week or ten days as possible, and then all at once he would break out.

12,631. Perhaps you could just answer this question: which of the two states of fact is the truth, whether was it that he became so quiet that the handcuffs might be freely removed to the front, or that he continued so refractory that his hands should continue to be ironed behind?—Well, I am sorry to say that as far as I recollect, he was very refractory for some time. I recollect that five or six days he behaved very quietly, but I cannot quite tell when that was; but he was very refractory for some time, and he destroyed everything that he got hold of.

12,632. Are you prepared to say that to handcuff him and keep him handcuffed behind for a period of 84 days was a necessary matter of restraint?—That I am not prepared to say. I am not at all prepared to say that. I know that the amount of forbearance shown by some of the warders there was such I could not have believed unless I had witnessed it. Every insult that could be heaped upon them by O'Donovan Rossa was done—language which I was very much astonished should emanate from him to wound their feelings and to annoy them. I have often wondered they had not forgotten themselves and driven their staff in protection, which they never did.

12,633. You stated just now that your reason for thinking he was not handcuffed was because you believed such a thing was impossible in prison discipline?—No, excuse me; I did not wish to convey that. What I meant was, that I never recollect that having occurred. I do not say it was impossible for if a prisoner was refractory and destroyed prison property, these measures of restraint would be continued unless the medical officer stated that the man could not stand it. Then, of course, some other measure would be resorted to; but so long as a man continued refractory, for the protection of the officers it is necessary to handcuff him, even if it is to be done behind.

12,634. (*Dr. Lyons.*) Can you say who actually gave the order to handcuff O'Donovan Rossa?—The governor gave me the order, and I am under the impression that I conveyed the order.

12,635. Are you quite sure that your recollection serves you right when you say that the governor gave you the order?—I knew that the handcuffing was done by order of the governor; that I am positive of.

12,636. Is it the fact that you consulted the governor with regard to what you should do with O'Donovan Rossa?—Well, I do not quite recollect. It is more than likely that I should have done so, being only temporarily in charge.

12,637. Do you say that the order to handcuff O'Donovan Rossa with the hands behind emanated from the governor?—Yes, it did.

12,638. Then it was not you who gave the order?—I gave the order; but the order emanated from the governor.

12,639. Did the governor tell you absolutely to have O'Donovan Rossa handcuffed, or did he leave you discretionary power?—Well, yes, I had discretionary power, no doubt.

12,640. As to carrying it out at all; or as to the number of days?—Oh no, not as to carrying it out at all. If I had been more than three days in charge, then of course I could have taken him out at any time I thought proper.

12,641. The assault was committed on the 16th of June; at what hour of the day; do you remember?—I think it must have been somewhat about 1 o'clock, or half-past 1.

12,642. You stated a while ago, that within half an hour after the assault was committed the order was given to have O'Donovan Rossa put in handcuffs?—That is my impression.

12,643. Can you now say whether or not he was

handcuffed on that day?—I cannot say positively. The fact is, my recollection of what occurred is so indistinct that I cannot be positive of anything. As I said before, so many things occurred at the time that I cannot fix my memory as to dates.

12,644. When did the governor leave the prison on that day?—Some time in the afternoon.

12,645. And how was it, if the order was issued within half an hour after the assault, that the prisoner was not handcuffed that day, and that there is no entry of his being handcuffed until the next morning?—I am almost certain that he was handcuffed that very day. I think, as far as I can recollect, that he was handcuffed within half an hour of the occurrence, but I cannot be sure.

12,646. Am I to understand that you are not positive?—I think he was handcuffed that afternoon. I am under the impression that he was handcuffed within half an hour or an hour of the time that he committed the assault. That is the impression I am under.

12,647. Would you state that it is your belief now that he was handcuffed on that day?—My belief is that he was handcuffed within half an hour of the assault; that is my belief.

12,648. You say that you inspected him twice a day, does that refer only to the time that you were acting in the absence of the governor?—That is all.

12,649. Am I to understand that your responsibility in regard to this handcuffing ceased when the governor returned?—Certainly.

12,650. Certainly?—Oh, certainly.

12,651. Do you consider that you have no responsibility attaching to you with regard to the handcuffing of O'Donovan Rossa subsequently to the return of the governor?—I do consider that I have no responsibility. The moment I handed over the charge of the establishment to Captain Powell my responsibility respecting matters of restraint ceased.

12,652. Have you any recollection of the governor stating to you that in consequence of the grievous nature of this assault and the trial that must ensue in regard to it, that he wished you to continue the charge of O'Donovan Rossa until he was tried?—As I stated before, I do not recollect; but I cannot have charge of a prisoner when there is a governor in the establishment. I cannot take charge of any one when the governor is in the prison. I presume it must mean with regard to the report that was made to the directors.

12,653. Do you recollect the governor saying to you that he did not wish to have anything to do with the handcuffing of O'Donovan Rossa in consequence of this offence?—No, certainly not. Now I think of it: (these things come back to one's mind when you think). What Captain Powell said was, "As the prisoner has assaulted me I will not make the report to the directors against the prisoner; I would rather you would 'do it'; and in consequence I believe I reported him to the director for assaulting the governor. I think I am right in saying that, because when a prisoner commits an offence of a serious character the governor reports him to the director. In this case the governor said, 'As the assault was made on myself, I would rather not report the prisoner myself; I wish you 'would do so.' Then I reported the prisoner to the director for an assault committed on Captain Powell. That circumstance I now recollect.

12,654. That touches another matter, but do you think now, looking back on the whole matter, that you have no responsibility as regards the handcuffing of O'Donovan Rossa after the return of Captain Powell to the prison?—Certainly not.

12,655. Certainly not?—Certainly not; none whatever.

12,656. Can you then speak with any certainty as to how he was handcuffed, or whether he was handcuffed at all, after the return of Captain Powell?—Well, I have got a kind of notion—I don't know what it is founded on—that the governor took the handcuffs off a few days after he returned; but that is

Capt
W. T. Harvey,
—
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Capt.
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merely my impression. But after hearing of those reports that those gentlemen were good enough to tell me of, it is useless for me to say anything more about it.

12,677. Take the "separate cells book" and look over it. (*The book is handed to the witness.*) Turn to the 17th of June and the day after it. Do you observe that passage marked with a cross?—Oh yes "handcuffs removed from behind by order of the governor." The assault I think took place on the 16th. I was in charge then and the handcuffs were taken off that night. As I stated, the handcuffs are not kept behind the back at night.

12,678. Put on?—"The 18th, Brown replaced in handcuffs by order of the governor." Yes; "handcuffs removed 7.30."

12,679. Where now do you say that your responsibility ceased with regard to the entries in that book?—On the 20th my responsibility ceased.

12,680. On the evening of the 20th?—On the morning of the 20th my responsibility ceased.

12,681. Are you responsible for the entry there at 6.45 on the morning of the 20th?—On the morning of the 20th. Well, that would depend on whether Captain Powell assumed charge on the morning of the 20th, or on the evening of the 19th. The governor went on leave for three days, and his leave would expire on the evening of the 19th; that is to say, he would take charge on the morning of the 20th.

12,682. At what hour in the morning would he come on duty?—He might take charge about 10 or 11 o'clock, when he came down from London, so that clearly the entry of the 20th I am responsible for; clearly; unless it could be proved that Captain Powell took charge on the evening of the 19th, which is not likely. It is not likely he would return before his leave expired, so that I am responsible for that entry of the 20th. He was relieved on the 16th. He was on leave three days, which would be the 17th, 18th, and 19th, and he would resume charge on the 20th, so that when this entry was made it was before the governor could have resumed charge, so that I am clearly responsible for this entry; but beyond that my responsibility ceases.

12,683. Will you satisfy yourself by looking further through that book at the several entries made there of handcuffs placed on and removed from O'Donovan Rossa?—I see there is no entry here that they were taken off on the 20th.

12,684. Would you infer from that that they were left on during the night?—No; they could not do that.

12,685. Do you recognise the handwriting of those entries in any case?—Well, I really cannot. It is such a time book I do not quite remember the handwriting.

12,686. I may tell you that the writing has been proved by Warder Brown as his own in a great many instances?—Oh, I see; yes.

12,687. You will observe it is throughout the several entries. Have you any reason to doubt that those are true entries?—Oh, certainly not. I have no reason to doubt it at all, beyond that one circumstance that I mentioned, that I am rather under the impression that I saw the prisoner six or eight days after the governor resumed charge, without any handcuffs on. That is my impression; I may be wrong.

12,688. Does the seeing of those entries shake your belief in your own recollection that you saw Rossa with his hands handcuffed between five and eight and ten days from the period of the first application of the handcuffs?—Well, it does not; for this reason that I see here is another omission, and although Brown is a first-rate man and did his duty very well, yet at the same time he was not much of a writer, and I see here is an omission; he made no entry that they were taken off.

12,689. What date is that?—That is on the 20th; he clearly ought to have done so.

12,690. How would that alter your recollection?—Simply that he might have been as liable to make a mistake as I in my recollection.

12,691. Is it as likely that he would have made a

mistake on 20 or 30 occasions, as you in your recollection of one occasion?—I should be very sorry to place my memory in opposition to the entries of three different men. I should prefer giving credit to what they have entered than to my own memory.

12,692. (*Mr. Brodick.*) Is it not possible that when you believed you saw O'Donovan Rossa on that occasion with his hands free, he may from some exceptional cause have been released for an hour or so?—(*No answer.*)

12,693. (*Dr. Lyons.*) Have you any reason on the whole to doubt the validity of the entries in that book?—No, certainly not.

12,694. You are not very certain as to the hour that you saw Rossa, or the occasion on which you saw him standing with his hands behind his back?—It was in the afternoon.

12,695. You stated first that it was between 4 and 5 o'clock to Lord Devon. You stated in reply to Mr. Brodick that it was between 3 and 4 o'clock. Now, could it have been in the evening? It is recorded in the books that he was released from handcuffs in the evening about half-past 7 o'clock. Might it have been in the evening at or about that time that you saw him?—It could not have been half past 7 for I should have then been performing special duty, namely, superintending the locking-up of the prisoners. It might have been during meal times. I may have been mistaken. I might have gone when it was the supper time, when the prisoner had his supper and might be walking about.

12,696. We have in evidence that his handcuffs were in front during meal times?—Well, then it might have been at night then. If I was placed on my oath I can assure you, sir, I should not have answered a single question, so uncertain am I as to date and occurrence. I should be very sorry, through my memory failing me, to mislead. It is very possible that I may have visited him at a later hour.

12,697. I will now ask you, is it possible that you may have seen him in the manner you describe, first, with his hands behind his back as he stood at the cell door, and afterwards, when you returned and saw him through the spyhole with his hands free, after 7 o'clock in the evening, when we have it on record in that book that he was released from handcuffs?—Well, I must, in the face of those entries, say that it is possible I may have made a mistake as to the time.

12,698. Can you give any positive statement as to whether or not O'Donovan Rossa was handcuffed behind on any days subsequent to the three days for which you were responsible for the handcuffing of O'Donovan Rossa, and during which I understood you to say that he was handcuffed with the hands behind, except at meal times and at night?—When I was in charge?

12,699. Can you undertake to say, in regard to any of the days subsequent to that period, whether or not he was handcuffed with the hands behind?—I am sorry to say I cannot. I really do not recollect.

12,700. Are you well acquainted with warders Hibbert and Goldings?—No, I do not recollect Hibbert. I have heard of Goldings; that name I have heard; but Hibbert I do not recollect.

12,701. Do you believe in a general way that the statements made by the prison officers, warders, and assistant warders, are fairly reliable?—I certainly think, with respect to Principal Warder Allen and warder Brown, that what they say may be depended on; but the other men I have so little knowledge of that I should not like to be bound by it. I recollect very little of them. I think I have heard of Goldings.

12,702. Well, two warders who were concerned in the act of putting on and taking off the handcuffs have stated to us that they removed the handcuffs from behind and placed them in front during his meals, and taking the instance of the supper meal, that after supper they replaced them behind until he was finally released by the handcuffs being removed for the night from behind at half-past 7 o'clock. If two

warders, who were in charge of the prisoner for a considerable time stated that distinctly, would you have any reason to doubt that it was true?—Is that subsequently to the time that I was in charge?

12,708. Yes; do you see any reason to doubt their statements?—Well, I remember so little of the men I really should not like to say anything either for or against them. I cannot say that they could have any particular motive. I should be sorry to reach for them—to speak either for or against, as I recollect so little of the men. The only men I recollect were Principal Warden Alison and Warden Brown.

12,704. Can you give any testimony in any way from your own personal knowledge as to how O'Donovan Rossa was handcuffed, whether in front or behind, any period subsequent to the three days for which you were responsible?—No, I cannot.

12,705. Are you at all sure that the governor gave any order to take off the handcuffs when he returned?—No, I cannot assure; it is merely an idea that I have. I won't be sure on the point. This book completely clears my mind. I really cannot tax my memory as to whether an order was given or not. I have an impression that an order was given, but I won't be positive about it.

12,706. Do you think there was any order given at all?—I am under the impression that orders were received. As I said before, merely that one circumstance makes me think orders were received within eight days of the governor's return, or some such period.

12,707. Would it not appear in that book if they were removed, and you see there the continuance entry, day by day, for a much longer period than covers the eight or ten days you speak of?—(No answer.)

12,708. You stated a while ago that you did not think O'Donovan Rossa was handcuffed more than four or five days?—Here, for instance, is an entry. You cannot remove the handcuffs unless they were put on; he puts them on here; he has taken them off twice in one day without putting them on in the interval.

12,709. On what date is that?—The 25th of June '68.

12,710. But what inference do you draw from it?—Well, that Warden Brown is just likely to have made a mistake as he has twice entered the taking off of the handcuffs when they were only put on once.

12,711. Does not that only imply an omission?—On a previous occasion he leaves the handcuffs on altogether. I have nothing more to say on the subject. I should be very sorry to state that my memory is better than those entries, and therefore all I have stated is merely to the best of my belief.

12,712. You stated a while ago that you did not think O'Donovan Rossa was handcuffed for more than four or five days. Have you now any reason to believe that the handcuffing was continued a much longer time, from what you see in that book?—Those entries would lead me to think so, certainly.

12,713. You say Rossa was violent during the period of the handcuffing?—Yes.

12,714. Are you quite sure of that from personal observation?—Yes. The fact is, that when I went round I used to speak to him in as friendly a manner as I could, and I used to advise him to keep quiet and so on. I told him he was only making matters worse for himself. Sometimes he used to laugh, and sometimes break out, and my impression is that a great deal of this outbreak on his part was, that he was under the impression that sooner or later it would bring his case before the public. It was my impression all along that he would, somehow or other, manage to establish a case of ill-treatment, because, on more than one occasion, when he tried the temper of Principal Warden Alison, he looked as much as to say, "Well, it is curious you have done nothing to me." When he stated the things in his cell he knew the rules of the prison, and that other prisoners would be brought before the director and he was not, he at last became outrageous.

12,715. Was he not as a matter of fact reported to the director?—Yes, he was.

12,716. Was he not tried on the 1st of July by the director?—Yes.

12,717. Was he not referred to the director subsequent to that?—Yes; but in many things that in other prisoners would be taken notice of he was treated as leniently as possible, and did those outrages merely to obtain a certain end. That was my impression, even at the time.

12,718. Are you certain that those acts of violence occurred during this long period of his being in handcuffs?—Oh, before he was put in handcuffs he was very difficult to manage. The morning act was when he assaulted the governor; he had not gone so far as that.

12,719. Were you in charge of him during May and the first half of June?—I was there in the month of May.

12,720. Were you examined in reference to these matters on a former occasion?—No.

12,721. Not on a former occasion?—No.

12,722. (Mr. Bradnock.) After the governor returned to the prison, how often was it your duty to visit the separate cells?—Well, that all depended very much on circumstances. Every day at all events once.

12,723. Was it inconsistent with Captain Hardy?—Yes, with Captain Hardy.

12,724. I find by the entries in that book that you did visit the separate cells every day from the 23rd to the 28th of June inclusive, on the 30th of June, on the 1st of July, on the 4th, 7th, 8th, 9th, 10th, and 11th of July, on the 13th of July, and every day to the 22nd inclusive. Have you any reason to doubt that you did pay those visits?—Well, I believe I did. I am not positive.

12,725. You have no reason to doubt it?—I have no reason to doubt that I paid these visits.

12,726. Perhaps you do not recollect on any of those occasions seeing O'Donovan Rossa handcuffed behind?—Well, I certainly do not recollect it.

12,727. (Dr. Greenham.) At what time of the day did you make it your practice generally to inspect the prison?—Sometimes when meals were served, sometimes in the evening, sometimes in the morning. There is no exact time. A regular hour is objected to, because you are always looked for, and you therefore make it as irregular as you can.

12,728. Do I understand you to say that 72 hours is the period during which a prisoner can be kept in handcuffs as a measure of restraint?—I have never known a man kept longer, but it is not impossible he would be kept longer if his conduct was bad.

12,729. Which do you specify, 72 hours or three days?—Three days.

12,730. Is there any rule to that effect?—No, no rule.

12,731. Then at the end of 72 hours the prisoner might still go on in handcuffs without any fresh order?—Yes, without any fresh order.

12,732. If a prisoner is ordered to be kept in handcuffs by order of the governor, that order would continue in force until a fresh order of the governor to release him was given?—Yes.

12,733. It would go on from day to day for any length of time?—Exactly.

12,734. Did the wardens consider the treason-felony convicts exactly the same as the other convicts?—Well, as to consideration I am hardly prepared to say.

12,735. You said that the wardens considered them in some respects different from the other prisoners?—I think they treated them differently. They exercised a greater amount of patience towards them. I think they overlooked many things which, properly speaking, they ought not to have done.

12,736. Why do you think they did so?—Well, because there was a kind of impression—I do not know—a kind of idea, that they were something better than the others.

12,737. Better?—When I say "better" I mean a

Capt.
W. T. Murray.
1 Aug. 1869.

*Capt.
W. T. Harvey.*
2 Aug. 1870.

superior class of men to the ordinary convict, but at all events that was the fact, that they overlooked things with them. They were not as strict with them as they were with the others. The reason I am not prepared to say. You are asking me to answer a question which I must acknowledge I have great difficulty in giving an answer to.

12,736. I asked you because you stated some time since that the warders considered the treason-felony convicts different from the other convicts, and I wanted to know the reason why. You cannot answer, and I will not press you. Is it a fact that the treason-felony prisoners were treated differently from the other convicts?—I think they were treated more leniently.

12,737. Not with exceptional severity?—The contrary.

12,740. You have no doubt of that?—I am positive of it.

12,741. Have any of these men been flogged?—Not to my knowledge.

12,742. What made you imagine that O'Donovan Rossa supposed he would not be flogged?—Well, I am under the impression. I have no reason to assign beyond his assertions.

12,743. Do you think that any other prisoner would have been flogged under the same circumstances?—Most decidedly; if he had assaulted a warder; at all events, he would have been punished; the matter would have been investigated by the director, and if he thought it deserving of being flogged he would have been flogged.

12,744. (Mr. Brodrick.) In the case of assaults on the governor, would it have been an offence visited in an ordinary case by flogging?—If it had not it ought to be, I should think, because it was most unprovoked.

12,745. (Dr. Greenhow.) You spoke some time since of the language that O'Donovan Rossa had used towards the warders. Can you give any instances of it?—Of the irritating conversation?

12,746. Yes?—Well, I cannot recollect exactly the language, but something to the effect that they were servants of the British Government, and all that kind of thing, jeering them respecting their position on more than one occasion.

The witness withdrew.

The Commissioners remained to deliberate.

Millbank Prison, Tuesday, 9th August 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BRODRICK.
STEPHEN E. DE VERE, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

MR. MORRISH EXAMINED.

12,754. (Chairman.) Mr. Morrish, you are the governor of the prison, I believe?—Yes, my lord.

12,755. How long have you been here?—Over four years—four years and a half.

12,756. Having previously been at Dartmoor?—Having previously been at Dartmoor, and also at Portland. I was 15 years at Dartmoor, and one year at Portland, and the rest of my service has been here.

12,757. You have had under your charge for a certain time some of the treason-felony prisoners?—Yes.

12,758. Amongst others you had O'Donovan Rossa?—Yes.

12,759. A statement has been made to us, that on or about the 2nd of July 1867 he was reported to you for idleness?—I shall be able to refer. I have all the reports copied out. They show that he was on more than one occasion reported for idleness.

12,747. (Chairman.) Your attention having now been called to the fact that you visited the cells numerous times within the period referred to between the 19th of June, the day on which the governor returned, and the latter part of July, do you still retain the opinion that during that period O'Donovan Rossa was handcuffed with his hands behind his back?—I do not recollect that they were behind his back. I remember once that they were in front; that was when he tore up his stool.

12,748. Then your attention having been called to the fact of your visits, are you now able to tell us positively whether during that interval, from the 20th of June to the 26th of July, he was or was not handcuffed before, when you visited him; or have you any recollection?—Well, really, I cannot tax my memory.

12,749. (Dr. Greenhow.) O'Donovan Rossa was in the practice of using language to the warders calculated to annoy them?—To irritate them.

12,750. Have you any idea why he did so?—Well, I cannot say.

12,751. (Dr. Lyons.) Was there anything in Rossa's language, that you describe as violent, more than what you mentioned to Dr. Greenhow, that he characterized them as being minions of the British Government? I mean did he use foul or bad language?—No, I cannot say that he used foul language. Oh no; he did not; but it was of an irritating character; "servants of a tyrannical government," and "eating the bread of"—I don't know what; I cannot recollect now; but sometimes it used to be very abusive.

12,752. (Mr. De Vere.) You said that seeing these entries makes you feel somewhat distrustful of the accuracy of your memory?—They do; there is no doubt about it.

12,753. Would it make you somewhat more distrustful if you were aware that the chief medical officer and the governor, Captain Powell, have both given evidence that O'Donovan Rossa was under restraint, in one way or other, from 30 to 35 consecutive days at that time?—Of course anything further that can be adduced of an opposite character would shake my confidence in my memory.

25. Morrish.
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days' bread and water and to forfeit 84 marks, which is equivalent to 14 days' remission.

12,765. Is there a record of the defence he made?—Yes. The report, my lord, was confirmed by Warder Percival, who was in charge. The prisoner states that the officer weighs his work every day about 4 o'clock, and on school days if short he makes it up on the following day. Mr. Power, the chief warder, confirmed the report; Mr. Percival stated that the prisoner's task was not finished and he never applied for more work. If a prisoner completes his task, even though it is before the close of the day, he is bound to put out his signal-stick and ask for more. The work done is the lowest quantity that the prisoner should perform. It is only three pounds a day; that is the smallest quantity that is expected from prisoners, and in many instances prisoners do a great deal more than their three pounds of oakum or one pound of cloth.

12,766. He states to us that his reply or defence to the charge was not taken down. Will you be kind enough to read it for us?—Assistant Warder Percival reported him for idleness and lying on his guard-bed reading at 55 minutes past 3 o'clock in the afternoon.

12,767. Did you question him?—I read the report to the prisoner; the officer is present, and I read the report. I ask the officer first if the report is stated correctly. Mr. Percival on that occasion confirmed its accuracy.

12,768. The report that he made himself?—It is not copied by himself. I read it over to know if it is properly copied. The prisoner states that the officer measures his work every day about 4 o'clock, and on school days if short he makes it up on the following day. Mr. Power confirmed the report. Mr. Percival states that the prisoner's work was not finished and he never applied for more. That officer, Mr. Percival, is not now in the service, but has gone away; I remember as well as possible that he said he had not finished his task. But even if he had finished it, it was his duty to put his signal-stick out to ask for more, which he failed to do.

12,769. Would not a man naturally suppose that when he had done the work allotted to him he would not act improperly in taking a book to read?—He is told that he is to occupy his time with a certain amount of work; that his only hours for recreation are breakfast and dinner hours, and after 8 o'clock for reading before he goes to bed. Every prisoner is informed that he must occupy the whole of his time in labour, with the exception of the time for going to school and exercise.

12,770. Then it is expected that a prisoner should voluntarily ask for more work if he had done the work in hand?—Yes.

12,771. (Mr. De Vere.) Does it appear that O'Donnovan Rossa had finished the work that had been given him?—No; he had not finished the required quantity on this occasion. I merely mention that even had he done so it would have been his duty to put out his signal-stick and ask for more work. They are instructed to do that; whenever they want work they are to put out their signal-stick and ask for more.

12,772. Did this case go before the director?—No, it did not; I dealt with it myself.

12,773. (Dr. Lyster.) Does a prisoner often put out his signal-stick and ask for more work?—Some prisoners do. The capacity of prisoners with regard to the quantity of work they do is very varied. We have had prisoners here who would pick their six and seven pounds of oakum with the greatest possible ease, whilst others make a great difficulty about half that quantity. I think that within the last fortnight I have had a great number of reports before me of prisoners not being able to pick their quantity. They are all reported and punished; while there are others that did their quantity with the greatest possible ease and asked for more work.

12,774. (Chairman.) What was your sentence on this occasion in the case of O'Donnovan Rossa?—Two

days' bread and water and to forfeit 84 marks, which is equivalent to 14 days' remission.

12,775. Was there any other occasion on which he was reported?—Yes; do you mean for idleness, or otherwise?

12,776. Was there not some occasion on which he was brought before the director?—Do you mean previous to this report, my lord?

12,777. I cannot fix the date.

12,778. (Mr. Brodick.) It was with reference I think to some writing which was found on the person of another prisoner, and of which he was suspected to be the author?—Yes; on that occasion I think he was brought before the director. He was reported on May the 5th for possessing a piece of waste paper with a quantity of writing on it, two steel pens, one attached to a piece of waste pencil, also an ink-bottle containing ink; further with having a written communication sewn in the wrist of his jacket; addressing Chief Warder Power in an insolent manner—he declined to say anything about that; also having concealed two pages of written communications on paper directed to persons in Ireland.

12,779. (Chairman.) When was this?—The 5th of May '67.

12,780. He states that "some writing was found on the person of another prisoner. I was suspected to be the writer, but my name was not to it. I was this day stripped naked three times. Nothing contraband was found on me or in my cell, yet I was sent to the dark chamber and kept there for 72 hours. I was then told that I was to go back to my ordinary cell, but that I would not be allowed to go to chapel in the mornings. I said this punishment smelt of the old penal laws in Ireland. Three days afterwards I was brought before the director and charged again with the offence. He said he would stop my visit, the ticket of which had been sent to Mr. Pigott, Dublin." He then says that he was taken to the darkened cell again, and that he marked his sense of what he considered an illegal proceeding by breaking the spy-hole in the door, and that "these the handcuffs came."—On December the 20th he was reported by Warder Nash for attempting to break the iron cell door, smashing the inspection glass, forcing one of the screws out which held the bolt, and saying, "They have been doing as they like with me for the last two years; I am now going to have a game." He was further reported by Mr. Cooper for breaking down the cement work round the glass in his cell, breaking the trap-door and defacing it by writing "English civilisation; treachery; excuse me, gentlemen, I have not light, and when a man works in the dark he cannot give satisfaction." He was further reported the same day for singing Fenian songs, and shouting "I'm a Fenian." Instead of a dark cell, my lord, it was a refractory cell. I think you visited the dark cells when you were here before. The dark cells are those downstairs, which I dare say you remember.

12,781. They are not dark cells, but darkened chambers?—Yes; from that he was I think removed to a dark cell, to one of those cells below stairs. He was also reported on the 22nd for destroying a spoon and scratching the cement at the bottom of his cell window, also destroying a wooden porridge bowl, defacing the cell walls by writing on them; further for breaking the wall with the porridge bowl, with the broken pieces of which he filled up the key-hole of the dark cell. On January the 4th he was reported for writing on his cell wall, "Political assassins starving and working Irishmen to death under medical supervision, so that none may call it murder. We will not hang these Irish rebels publicly, but kill them privately." These were the reports that were referred to the director, and he sentenced him to 14 days' penal chain diet and to forfeit 540 marks. The whole of these reports were referred to the director, Captain Gambler.

12,782. Was it on that occasion that he refused to go to the dark cell, and was taken by force after a

Mr. Harcourt

3 Aug. 1870.

Mr. Norrish.
2 Aug. 1878.

great struggle?—Yes; I think. Warder Brown was one of the officers who was present. I think it was on that occasion he was placed in handcuffs for 24 hours.

12,783. Were those handcuffs left on during the night?—They were.

12,784. Night and day?—Night and day.

12,785. Twenty-four hours?—Yes.

12,786. (Mr. Broadrick.) Were they on more than 24 hours?—Not more at one time. I think they were on on two separate occasions, but certainly not more than 24 hours on one occasion.

12,787. (Dr. Greenhow.) Could you find a record of the handcuffing in any of your books?—In the warder's book there would be a record of it.

12,788. Then you had better send for it?—Yes.

12,789. (Dr. Lyons.) How were the handcuffs put on?—Just in the ordinary way, in front.

12,790. With chains, or without them?—No, the common D handcuffs, the ordinary handcuffs. I find here, "This day removed to the dark cell in handcuffs."

12,791. (Mr. Broadrick.) What is the date of that?—The 30th of December '67.

12,792. (Dr. Lyons.) Does that book specify how the irons were put on?—No, it does not.

12,793. How long were they allowed to remain on on that occasion?—24 hours.

12,794. (Chairman.) They were not taken off for meals?—No, they were not taken off. He was handcuffed before.

12,795. (Dr. Lyons.) Is there any record of the hours of the day at which they were put on and taken off?—We have got that in the principal warder's book.

12,796. Is there any other record of it?—No, not necessarily. It is not very generally noted. 24 hours was the time for which he was put in, but on that occasion I think it will be found that he was not in them the full 24 hours, but was short of the 24 hours. I think I remember referring to it.

12,797. Is there a written order required for that?—No; the Act of Parliament states that I have the power of putting a man in for 24 hours, and that if there is a necessity to extend that the director is to give authority, and that authority is to be entered in the journal.

12,798. What Act of Parliament is that?—We have it in the printed rules: "He shall have power "to punish a prisoner for an offence against the prison "rules, and may order any prisoner so offending to "be punished by being closely or otherwise confined "in a dark or light cell, or by being fed on bread and "water only, or by both such punishments, for any "term not exceeding three days. In case of absolute "necessity he may put a prisoner in irons, such irons, "however, not to be continued on an offender for a "longer period than twenty-four hours, without the "order of a director specifying the cause thereof, and "the time during which the prisoner is to be kept in "irons, which order shall be preserved by the governor as his warrant. Whenever he shall confine "any offender, or shall punish him by changing his "diet for more than twenty-four hours, he shall give "notice thereof to the medical officer in order that he "may see such prisoner."

12,799. (Chairman.) What is the title of the statute?—It is from the regulations applicable to all prisons; but there is an Act of Parliament.

12,800. (Dr. Lyons.) Is this from the Act of Parliament?—It is incorporated from various Acts of Parliament.

12,801. What you are reading from now is from an Act of Parliament?—Yes, taken from Acts of Parliament.

12,802. Will you define what that book is?—It is rules and regulations for the government of convict prisons. They are issued by authority of the Secretary of State, and are rules called from various Acts of Parliament.

12,803. Do you mean that they are founded on the

authority of Acts of Parliament?—Yes; but the Secretary of State has power to introduce such rules as he may think necessary, and although they may not be actually in accordance with the various Acts of Parliament, I apprehend that there is nothing contrary to the spirit of them in the regulations. But I can show you that there is authority of Parliament for it: "No prisoner shall be put in irons except in case of urgent necessity." It is generally accepted that the Acts of Parliament here are more or less applicable to Government prisons.

12,804. (Chairman.) What is the title of that Act?—The 2 & 3 Victoria, cap. 55.

12,805. (Mr. Broadrick.) That Act was directly intended for the government of county prisons?—Yes, but it is applicable at the same time to Government prisons. There is a book in existence, a collection of statutes and parts of statutes relating to goals, and equally applicable to Government prisons.

12,806. Is it within your knowledge that the rules, as sanctioned by the Home Office, are the same for the above prisons, such as this, and for the public works prisons, as to the power of a governor to confine in a dark cell, and to order the imposition of handcuffs?—Oh yes, just the same.

12,807. (Chairman.) I understand you to say that there is no specific provision containing in so many words the authority to which you refer?—Excepting that we have looked on those rules for the governor as sufficient authority. The two combined have been taken to be a sufficient authority for acting in cases of absolute necessity.

12,808. (Dr. Lyons.) What book is that that you have read the authority from?—It is a book that was compiled from the last Prison Act. There is a late Act of Parliament passed in 1865, and called the "Prisons Managers Act." It is not applicable to Government prisons; but the clause of the Act that I have read for you was not one of those that was affected by the "Prisons Managers Act."

12,809. Is that a copy of the Act furnished to you by the authorities for your guidance?—I have got it for my guidance.

12,810. (Chairman.) That is the last Act I think?—Yes; but besides that there are extracts from other Acts of Parliament.

12,811. (Dr. Greenhow.) Will you kindly let me have that book called "standing orders"?—Yes.

12,812. (Chairman.) Do you recollect that one morning O'Donovan Rossa sent for the doctor, and told him that the irons were too tight?—I do not remember. The medical officer would more likely be able to answer that question, my lord. You were asking a question just now with reference to punishment. There is an entry of the principal warder: "Jeremiah O'Donovan Rossa on punishment diet; removed to dark cell by order of the governor, he having broken the door of his cell."

12,813. (Dr. Lyons.) Is the hour stated there?—No, it is not.

12,814. Is the hour the handcuffs were removed stated anywhere in that book?—I do not think it would be; it is not usual.

12,815. Is it not usual here to enter the hour at which the handcuffs are either put on or taken off?—It has never been the custom. There is a standing order since issued which requires it.

12,816. (Dr. Greenhow.) When the air or calum is served out to the prisoners to be picked, in what form is it given to them?—It is weighed out.

12,817. In what form is it given to the prisoners?—Oaken in short lengths, probably a foot long, in a little bundle. It is tied up and given to the prisoner at a certain hour in the morning, and it is weighed at a corresponding hour the next day, so as to see that he has done his proper quantity.

12,818. How is it given back again?—When it is received back scales and weights are brought in and moved up and down the ward, and it is put in the scales to see if it is the proper weight. Sometimes

they abstract a certain portion of it. Another thing they do is, they wet it to make it the proper weight.

12,819. Is it given back loose, or in a bundle?—Just kept together, not tied at all.

12,820. Not tied up?—No, simply put together so as to be weighed.

12,821. Is it not tied by the prisoner when he returns it?—It is used to tie it up when it is given, but not when it is given back.

12,822. Is it not the prisoner's duty to do the strand with which it is tied up?—I think so, but on such a nice point the officer of the ward would tell you better; but I should rather suppose it would be. It is a point on which I should not like to speak too confidently.

12,823. (Mr. Brodribb.) Is there any distinct prison regulation against a prisoner reading a book, except at certain hours?—One of the regulations of the prison is, that a man is only to read from 8 to 9, when his work is taken out in winter. He also may read during breakfast and dinner hour.

12,824. Is there any such regulation printed and hung up?—No, we have no regulation hanging it.

12,825. But you believe it to be generally known?—It is generally known. He is warned that he has no business to read and be idle during working hours. He has his hours for school; he has his hours for divine service; he has his hours for breakfast and for dinner, and likewise for supper.

12,826. But might it not well happen that a prisoner, having done his task of work, would imagine that he was then allowed to read?—Well, really I cannot say.

12,827. In the case to which we refer, in which O'Donovan Rossa was sentenced to handcuffs for 24 hours, was it specially ordered that these handcuffs should be kept on day and night?—No, it was not; it was understood, because handcuffs for 24 hours are never removed. When a prisoner is placed in them he is kept 24 hours, unless the medical officer recommends their removal. If he was to do so it would be attended to. Or sometimes an officer might notify to me that the prisoner had become very quiet, and wish to know if the handcuffs would be taken off before the regular period; and there are cases where they are removed repeatedly at an earlier period. But there is no specific rule laid down that they should be taken off before 24 hours.

12,828. For what offence would the imposition of handcuffs be resorted to?—In cases of violence, for insubordinate conduct, as O'Donovan Rossa was guilty of. He broke his cell furniture; he behaved very violently; he defied the officers to enter his cell; and we have it that he had a number of officers to remove him from that to the dark cell, and on this occasion he manifested most unusual strength, and it required the greatest possible exertions on the part of the officers who were removing him to get him down to the dark cell. It has been reported to me by the officers who did remove him that they never grappled with a man who exhibited so much strength as O'Donovan Rossa did.

12,829. Are handcuffs ever put on by the director's order?—Sometimes.

12,830. Is it in the discretion of the governor to extend the time for which the handcuffs should be kept on a prisoner?—No; the director sometimes would do it. It is in the power of the director, after an offence has been committed, to add to the time that the prisoner should be kept in handcuffs.

12,831. Have you ever known the handcuffs to have been kept on for more than 24 hours?—I think I have. I do not think I have ever done it. I do not remember any case where it has been done for more than 24 hours. I have no recollection of such an occurrence.

12,832. When handcuffs are put on a prisoner, the hour at which they are put on or taken off is not recorded?—No.

12,833. Is the day recorded?—The day is recorded. There is the day recorded on the 24th.

12,834. The day that they are put on is recorded?—Yes.

12,835. And is the day that they are taken off recorded?—No; the Act of Parliament does not state that you are to record in your Journal when they are taken off, but only when they are put on.

12,836. In a case of consigning a prisoner to the dark cells, what course do you pursue when the prisoner comes before you?—A verbal or written report is generally made to me that a prisoner is noisy or insubordinate in an ordinary ward. A report is made to me. If I am in the office, verbally; if I am in my private quarters, in writing, stating that such and such a prisoner had become very insubordinate, and is disturbing the quiet of the ward. I should immediately say, "Send him to a dark cell."

12,837. You would not think it necessary to see him before making such an order?—No; I would take it on the faith of the principal warder in charge of the prisoners if it came to me in that way. If the chief warder were on duty in the prison it would come through him; but if he had left, it would come to me from the principal warder who was in charge.

12,838. Then you would make that order on the report of a warder who was not himself an actual witness of the violence or insubordination complained of?—He must be a witness, for the warder in charge reports to the principal warder and he goes and sees the prisoner, and so far he is able to corroborate the warder's report.

12,839. (Mr. De Vere.) Mr. Marriah, when you speak of forms that are gone through in imposing a punishment of irons on a prisoner, do you speak of the present practice of the prison?—No; I am speaking of the practice that existed at the time that the prisoner O'Donovan Rossa was here. You are aware that subsequent to that time to which I am referring a standing order has been issued which gives more definite instructions with reference to the use of irons, and with reference to recording the time they are to be put on and taken off; but the date of that order is subsequent considerably to the date of which I am speaking.

12,840. I will read for you an order dated the 21st February 1870, that is, subsequent to the period at which O'Donovan Rossa was here: "Wherever it is found necessary to place handcuffs on a prisoner for any reason except for temporary use, when such an additional security may be useful, an order is to be given on the form number 364 D, specifying the date and hour when they are put on, and whether they are to be placed with the hands in front of the body or behind the back. The officer carrying out the order will state in the proper place on the form how the order was carried out, and the date and hour of removal, or change of position of hands."—Yes. Since the date of that order it requires more precise and definite orders; but you have been questioning me with reference to an occurrence that happened before the year that that order was issued, and therefore I have given my evidence on the practice that existed previous to the issue of that order.

12,841. Then do I understand you distinctly to say that previous to the issue of that order it was not necessary that an order for the imposition of handcuffs should be in writing?—Certainly.

12,842. It was not necessary that it should be given in any particular form?—No, certainly not.

12,843. It was not necessary that it should state whether the handcuffs were to be before or behind?—Certainly.

12,844. It was not necessary that the period at which the handcuffs were taken away should be recorded?—It does not state it, I should say, in the Act of Parliament.

12,845. Practically, was it the practice to record the removal of the handcuffs?—No; scarcely ever I should think.

12,846. Then the prison records showing the imposition of certain punishment would not show

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how that punishment had been carried out?—No, certainly not.

12,847. Then it would be possible for the handcuffs to have been kept on for a longer period than the order was given for without that excess being recorded?—If several of the prison officers, superior to the one who made the report, were to neglect their duty such a course would be possible; but when I mention that immediately a man is sent to punishment a notice is sent to the chaplain in the case of a Protestant, or to the visiting priest in the case of a Roman Catholic, to the medical officer, deputy-governor, and chief warden, all of whom are obliged to visit the man daily, and they are acquainted with the punishment awarded; and they are persons who certainly would bring it to one's notice if the punishment was exceeded. I can scarcely conceive it to be possible that so many officers of superior rank would fail in their duty to bring such a case to my notice. The application of handcuffs is not considered a punishment, but simply a means of restraint. They would certainly not so far neglect their duty as not to make me acquainted with it, if as much as two hours had been exceeded. That is the protection that I have, and I look to these—the deputy-governor, chaplain, priest, chief warden, and principal warden. These are persons who visit the prisoner frequently during the day; besides there is the absence of any complaint on the part of the prisoner that he is kept beyond 24 hours. I have received no such complaint; certainly not in the case of O'Donovan Rossa. I do not know that I ever received a complaint the whole time I have been in the service of any prisoner being placed in irons for a longer period than that which was awarded to him. It is possible that a man may have misconducted himself at the end of 24 hours, and that it may have been perhaps a necessity for putting him a second time in handcuffs, but certainly not unless there has been a break of some little time. But it is a very rare case indeed for a prisoner to go on 24 hours, and to exhibit any necessity of restraint for a longer period than that.

12,848. When a prisoner is handcuffed, and the handcuffs are kept on at night, how can he take off his clothes to go to bed?—He has got a blanket and a rug given to him, and he would not take his clothes off.

12,849. He is deprived of bed and bedding?—He is deprived of a mattress to lie on. He gets a rug. It depends on the season of the year what he gets. He gets a rug at one period, and a blanket and rug at another period of the year.

12,850. Is that deprivation of bed and bedding recorded in the sentence?—No, it is not; because there is one of the rules in that book which you saw just now, where it is stated that a man in a refractory cell during such and such a period has a rug, and during another period has a night blanket. Therefore it is understood if a man goes to a solitary or dark cell that he has only consists of so and so.

12,851. Is that always the case?—That is always the case unless the medical officer interferes.

12,852. Is there no case in which a man who is assigned to a dark cell is allowed bedding?—If he is sent there under punishment he would not, but if he is simply sent there because of an offence which has not been investigated, he then would get his regular bedding.

12,853. Then part of the dark cell punishment or discipline is deprivation of a bed?—Yes, and it would be so in a refractory cell.

12,854. What distinction do you draw between a dark cell and a refractory cell?—The dark cells are those that you saw down below. I think I also showed you a refractory cell which is a larger cell, and the same size as an ordinary cell, only darkened, with a small aperture for light, very high up. In other respects it is just the same. In most cases of our refractory cells have been simply bricked up in front, and this single aperture for light let in.

12,855. When the handcuffs are ordered on 24

hours are they temporarily taken off any period during that time?—Not here, I am merely speaking of this prison; but I think in other prisons perhaps the same practice does not prevail. Therefore I am simply speaking of the practice in this prison up to the issuing of the order to which you have referred.

12,856. My questions are directed to the period that O'Donovan Rossa was confined here?—At that period he was confined in handcuffs 24 hours.

12,857. (Chairman.) Would they be taken off for calls of nature?—Oh, of course they would be.

12,858. (Mr. De Vere.) Do I understand that if a man by diligence and exertion had finished his work a little before the close of the working hours he would not then be allowed to read?—No, not in working hours.

12,859. Not in working hours?—Not in working hours.

12,860. The work being done in separate cells?—The work is done in separate cells. The prisoner is obliged, as I have already mentioned, to put out his signal-stick and ask for more work if he has finished the quantity given to him; and with reference to hard labour that we are now carrying out with regard to military prisons, we have prisoners here that perform half as much again during the day as they are required to do; some men are capable of exceeding the quantity very much. Our minimum return is 14,500 revolutions on the crank, and we have men who have done their 16,000, and in some few cases the number was up to 20,000. A man has the means of knowing, for he can see his index though he cannot play with it. He knows when he is doing all his task.

12,861. (Chairman.) What satisfaction has he in seeing it?—The satisfaction that it shows how his work is proceeding.

12,862. (Mr. De Vere.) I think you said that on the 2nd of July 1857, O'Donovan Rossa was reported for not having finished his work and not having asked for more?—Yes.

12,863. Why should he have asked for more if he had not finished his work?—He stated that he had finished it, and on investigating the report I told him that had he done it it was his duty to ask for more. He was punished for idleness as he had not finished his task.

12,864. What evidence did you take?—The evidence of the warden in charge, Warden Percival.

12,865. Did he depose to any amount of unfinished work?—He did not.

12,866. Did you ask him how much the amount of the unfinished work was?—I did not. I simply asked the prisoner when he came before me, having read the report, and having seen whether the charge is correctly stated or not, I ask the prisoner what he has to say; I take down what he has to say, as I did in this case.

12,867. He said he had finished the work?—He said he had.

12,868. What evidence did you take to show that that was untrue?—I took the evidence of the officer who reported him.

12,869. What officer?—Warden Percival.

12,870. Will you state what his evidence was?—

"Prisoner states the officer measures his work every day about 4 o'clock, and on school days if short he makes it up on the following day." That still he had to say.

12,871. (Chairman.) Is it the duty of the warden to enter in a book which he keeps whether or not the full amount of the work has been done by the prisoner?—He would enter what work was done weekly in a book, and daily on a slate.

12,872. It is not, as a matter of course, mentioned in every instance?—It is recorded what he has done.

12,873. The statement of the prisoner is that Warden Percival told him subsequently that he had entered that all the amount was done by O'Donovan Rossa on this occasion?—Here is the report made by Warden Percival.

12,874. Is there no book?—Yes, there is, my lord.

12,875. Perceived is not here?—No, he has joined a ship. I do not know where he is now.

12,876. Would you please get the other book. It would be satisfactory to know the amount of work done on this occasion.

12,877. (Mr. De Vere.) Mr. Morrish, do you generally try to apportion the punishment to the amount of the misconduct?—I take generally into consideration whether it is a man's first report or not, whether he is frequently guilty of misconduct, and if he was I generally increase the punishment; but if he be reported for the first time I generally deal leniently with him, and if I think him likely to be open to a little admonition I generally give it. But there are few men that care for admonition, and I think that time would be wasted in addressing it to them.

12,878. The question I wanted to ask you was, whether in awarding punishment you took into consideration the amount of misconduct for which you are supposed to award punishment?—I should, certainly.

12,879. The misconduct for which you awarded punishment on the 2nd of July to O'Donovan Rossa was idleness and neglecting his work?—Yes.

12,880. Did you investigate the extent of that misconduct, by finding out how much work he had left unfinished?—There was very little of it left unfinished.

12,881. Did you consider two days' confinement on bread and water a severe punishment?—I should not for such a person as O'Donovan Rossa, so much of his conduct previously had been unsatisfactory. It is a lesser punishment than I should award an ordinary convict under similar circumstances; taking into consideration the number of reports he had been guilty of before, and the many admonitions which he had been let off with.

12,882. Do you consider a punishment of two days' bread and water not so severe a punishment for a very small quantity of work left unfinished?—Not in the case of O'Donovan Rossa, or I should say, any prisoner who had behaved in the same way as he had done.

12,883. Would you be good enough to furnish the Commission with a return showing the several periods in which O'Donovan Rossa was confined whilst at Millbank in dark cells or handcuffs, stating how he was handcuffed, and whether placed on punishment diet or penal diet?—Yes, I have it here. He was twice in; I think twice in handcuffs.

12,884. I would wish to have also stated the period when he was admitted into Millbank and when discharged?—Yes. Do you wish that separately?

12,885. One tabular statement extracted from your records?—Yes.

12,886. (Dr. Lyons.) What was the date of the second occasion when he was in irons?—It was a day or two after.

12,887. Will you be good enough to get the date of it?—With reference to that report the prisoner made a complaint to the visiting director, "The prisoner" applied to see the director of the prison, saying he "had done his work. The director remarked that "even if he had he ought to put out his signal-stick" to the officers, which he did not do, and therefore "he was reported."

12,888. (Chairman.) So that in that case the defence of the prisoner is taken down?—It is.

12,889. (Dr. Lyons.) Will you also, when you make the return, state whether there is any entry of the hour at which the handcuffs were put on one day and taken off the next day?—Yes.

12,890. Was the kind of messes employed on both occasions the same?—The same. Would you like to see a pair?

12,891. (Chairman.) If you please?—I will send for them.

12,892. (Dr. Lyons.) Would you show us the kind of bowl O'Donovan Rossa was furnished with to take his food out of?—Yes.

12,893. Had he any spoon on each of those occasions?—

—He would be supplied with a spoon certainly, if he had not broken it.

12,894. Was he supplied with a spoon?—On the first occasion he was, certainly, but the report shows that he broke it.

12,895. Well, then he had no spoon?—I will not say positively whether he had or had not.

12,896. How was his food to be taken if he had no spoon, and his hands in tight manacles?—He had his mess tin; it is simply when he is on bread and water, and therefore it is easy with his tin plate to drink, and he had a loaf of bread to eat, and it is easy enough to break it.

12,897. Was he on bread and water on both those occasions?—On one occasion he was on penal class diet; then he had Indian meal. It would be easy enough for a man sitting down to put his bowl down, and with his spoon he can feed himself.

12,898. But if he had not his spoon how would he get the Indian meal straight out of his bowl?—Well, I suppose he could drink it. I do not mean to say how he could, but I fancy that I could manage it if I was under such unfortunate circumstances.

12,899. How would he hold his bowl?—He would take it up in this way (imitates the act of lifting with the hands clasped). They are not manacled behind.

12,900. I think you stated that they were tight manacles?—They are put on so tight as not to inconvenience a man, or even to injure his wrists.

12,901. There is another form of handcuffs with the hands a couple of inches apart?—Yes; but that is for removing prisoners in pairs, to link them together. They are not used on those occasions; they are the handcuffs simply that are used when a man is taken into custody.

12,902. Am I to understand that the hands were close together?—Yes.

12,903. Could a man approximate, with the handcuffs applied in that way, the fingers of one hand to the fingers of the other hand?—I should suppose he could, slightly. I do not think he could make much use of them though.

12,904. Well, I do not think he could, for I had that kind of handcuff on. Is there any technical name for those handcuffs?—I think they are generally called figure of eight.

12,905. (Dr. Greenham.) Are the figure of eight handcuffs generally used in this prison?—Figure of eight are the handcuffs generally used. We have others, but we think that is the most serviceable.

12,906. (Dr. Lyons.) Are you aware whether or not O'Donovan Rossa took his food out of a bowl, the bowl being on the floor, stooping or kneeling down, and dipping it out of the bowl?—If he did so it was from choice, not from necessity. Here is the original report made by the officer in charge in his handwriting, "For losing away his time, by lying on his back, guarded and reading a book at 55 minutes past 3 there."

12,907. Are you aware whether he did or not take his food in that way?—I never heard it until he made a complaint, not to me direct, but I believe it came through someone that he had been communicating with in an indirect manner. He never complained to me that he was obliged to eat his food in that way, nor, so far as I know, to the medical officer; certainly not to the officers in charge. The medical officer was spoken with regard to it himself, but as far as discipline goes I am quite sure that he never made any such complaint to any of them, and he must have been visited by several officers during the time that he was undergoing punishment.

12,908. You spoke of the dark cell being "down below." In what sense is it below; is it below the level of the ground?—It is underground.

12,909. Underground?—Yes.

12,910. Is the one that we saw underground?—Yes.

12,911. Is it below the general level of the prison ground?—Yes; we go down several steps to it. It is below the exercising ground, and of course you would

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cell is underground, or you would call your cellars underground.

12,912. Was it a cellar?—It never was that I am aware of.

12,913. Are the other dark cells in this prison underground?—Those are the only ones we have.

12,914. How many of them are there?—I think it is eight we have; seven or eight.

12,915. Have prisoners been frequently in those dark cells underground?—Very seldom.

12,916. When last, do you recollect?—I think the last prisoner we have sent there was a military prisoner; yes. He is now discharged.

12,917. (Dr. Greenhow.) Have you got the report book showing the amount of work which O'Donovan Rossa had left unfinished on that day?—The amount is not stated. He was reported for "idling away his time, by lying on his guard-bed reading at 55 "minutes past three."

12,918. Is there no book in which you keep an entry of the work done by the several prisoners?—Yes.

12,919. Would not that book show what amount of work was done that day?—Not on that day; it is recorded weekly. The prisoners is supposed to be industrious day by day, and the amount of the work we give the man day by day is brought together so that we may ascertain whether a man has been diligent or not.

12,920. Would that book show how much O'Donovan Rossa did during the week?—Yes, even if he was under punishment, but he scarcely ever did his work. If you read these reports you will see there are a vast number where he never was brought up; he was "idle, idle, idle." They never were taken into consideration. It seemed in fact a hopeless thing to be always bringing him up, he had been frequently under bread and water, with 24 hours' break between each punishment.

12,921. Then you have no means of showing the extent of his idleness on that day?—No, I have not.

12,922. It might be merely neglecting to pick the string with which the oakum was tied?—It might; anything lower than the limited quantity of work.

12,923. In the event of the prisoner feeling that he has occasion to complain of his treatment in any way, to whom does he make his complaint?—To the governor first of all.

12,924. Supposing that he is not satisfied with the governor's decision in the case?—He sees the director.

12,925. He can appeal to the director?—He can.

12,926. Has he any other appeal except to the director?—He can petition the Secretary of State.

12,927. Under what authority has he power to do that?—By the director's authority.

12,928. Can you show us the authority? I suppose it is a standing order; is it not?—No; it has been the custom here. I do not know that I could refer you to any authority, but that is the custom.

12,929. There is no standing order in the book I hold in my hand showing that the prisoner has that power?—Certainly not. The custom existed before the standing order book was compiled.

12,930. How do the prisoners become aware that they have the power of appealing to the Secretary of State?—As soon as they come in they are informed of it.

12,931. By whom are they informed?—The chief warden, or whoever reads the rules to them.

12,932. But you say that it is not in the rules?—It is not in the rules, but it is invariably done. I think without any kind of doubt. They are informed that they can see the director and the governor, and that they have a right of petitioning the Secretary of State if necessary.

12,933. (Chairman.) Once in the year?—Once in the year on one subject.

12,934. (Dr. Greenhow.) Can they petition on more subjects than one in the same year?—Not unless they have the director's permission.

12,935. Then they have only a right to petition once a year?—As far as the authority of the governor goes.

12,936. Is there any limit to the subjects on which they may petition?—The first petition would be very likely with reference to his sentence; that is, generally speaking, a prisoner either considers himself as being severely sentenced, or he says that he is innocent.

12,937. (Chairman.) Dr. Greenhow's question rather went to ascertain, is he at the same time told that there are only certain subjects on which he can appeal?—No, that is not stated.

12,938. But the fact is that he can only petition on one subject?—No, I do not say that at all. I should ask the prisoner when he makes the application, "What do you want to petition for?" He may say "his innocence." I say, "Why didn't you prove your innocence before coming here; you would have a much better chance than this?" He says very likely, "I hadn't legal assistance," or he says, "The lawyer didn't pay attention to my case." "Well," I say, "you may petition if you have not petitioned before." Then he says sometimes, "I want to petition against the treatment." I say, "You cannot; what have you to complain of?" I listen, and if I think his complaint just I inquire into it. If I consider he is not satisfied with my reply, I put his name down to see the director. He sees the director; the director inquires into it, and if rests with the director if he is not satisfied, whether he will allow him to petition the Secretary of State, and there are cases in which a man has been allowed to petition the Secretary of State with reference to his treatment.

12,939. Has the director in every case a veto on the power of appealing to the Secretary of State?—Generally.

12,940. By law has he?—I should say not by law.

12,941. But by the custom of the prison?—By general custom.

12,942. (Dr. Greenhow.) He exercises a veto without any special law authorizing him to do so?—I do not think there is any law on it. I am not aware of any.

12,943. You say that the director generally has the power of a veto in the case of a prisoner who wishes to memorial the Secretary of State?—Yes.

12,944. Does that power extend to the right to petition once a year; could the director prevent a man from petitioning once a year?—On the same subject he would generally decline.

12,945. You have stated just now, that the director has generally the power of preventing a prisoner from petitioning the Secretary of State. I ask you does that power extend to those petition which you spoke of as the prisoner's right?—I think I should rather apply to the director. He has a discretionary power of refusing or granting the petition.

12,946. Do I understand you to say that the prisoner has no power whatever to appeal to the Secretary of State without the director's sanction?—He has the power of appealing, with reference to myself, but if it is a second petition within the year I have no power to grant it, but the director has; and it is a discretionary power which the director exercises, whether he will allow him to petition a second time or not.

12,947. Then the prisoner has the power of petitioning the Secretary of State once a year without the director's sanction?—Yes.

12,948. Has he the power once a year without your sanction?—If the director gives his sanction. He cannot do it without either me or the other.

12,949. Then he has no power of presenting a petition to the Secretary of State without the consent of either yourself or the director?—Certainly not; because he is obliged to apply to me first, and afterwards to the director, and he cannot petition without using the official form which the Secretary of State has sanctioned for petitioning. There is a regular form of paper in which certain information is given, and the prisoner has no means of obtaining that sort of paper unless it is issued by me.

12,550. He cannot demand it from you?—No.

12,551. Then when I understood you to state that the prisoner has the power of petitioning the Secretary of State once a year, as a matter of right, I misunderstood you; he has no such power?—He has no such power, except he makes the application.

12,552. He has no such power except it is granted by you or governor, or by the director?—Quite so; but at the same time I think it may be regarded as a certain amount of right; that a man has simply to go through the form of making application, for it is in fact but a form.

12,553. Are icons used as a means of punishment, or as a means of restraint?—Merely as a means of restraint.

12,554. Did I understand that they are only applied during 24 hours in this prison?—Only 24 hours, as far as my power goes.

12,555. If you have ordered a man to be manacled for 24 hours, at the end of the 24 hours the manacles are taken off as a matter of course?—As a matter of course.

12,556. Unless the director gives his sanction for a longer period?—Yes; I should ask the director did I feel it necessary to confine the restraint for a longer period than 24 hours.

12,557. Is that a standing order applicable to this prison only; the one that you referred to is a standing order?—Oh certainly, it refers to all prisons, because it is recorded in the book of rules from which I have read.

12,558. Is the order which you say prevents your putting a prisoner into manacles for a longer period than 24 hours peculiar to this prison?—No, I think not.

12,559. Can you show me the order which prohibits you from placing them on for more than 24 hours?—I have read to you my authority, and it is based on an Act of Parliament. I think that for all public works prisons, and all those prisons, the same rules are inserted in all their books of regulations. It is by the 16th clause, page 11, an instruction to governors, that I have power in case of necessity to place a prisoner for 24 hours in handcuffs without an order from the director.

12,560. You are quoting now from the instructions for the government of this particular prison?—Yes; but I believe that that is copied into the rules and regulations of other prisons. I think so.

12,561. What dress do the prisoners wear here?—The ordinary drab and black dress.

12,562. Just mention the several articles?—First of all, flannel shirt and flannel drawers. Would the Commission like to see a suit of the clothes?

12,563. Before we go farther, allow me to ask you if every prisoner in this prison allowed a flannel shirt and flannel drawers?—All certainly; all the convicts wear a flannel shirt and a pair of flannel drawers, and a cotton shirt. Each prisoner has a pair of stockings, a pair of knickerbockers made of a kind of woollen material of prison manufacture, a jacket, waistcoat, and stock made of the same material as his knickerbockers are; he has got a kind of fursie cap, and a pocket-handkerchief.

12,564. How long have the convicts in this prison been supplied with flannels?—For a short period they were deprived, I think, except under special circumstances, of flannels; but that lasted but for a very short time indeed.

12,565. Then the standing order I am now about to read is no longer in force: "Standing order, 216, dated 15th of September 1868. No convict hereafter received is to have flannels of any kind issued to him except on medical recommendation. Those convicts who are now wearing flannels may continue to be supplied with them up to the 31st instant, after which date none but those medically recommended are to be supplied with these articles." That order is rescinded?—We do not act on it here; we did for a short time. I think the medical officer

will afford you more precise information on that point than I can myself.

12,566. This order is not rescinded, then, but you have power to deviate from it; is that so?—Every prisoner is supplied with flannels when he comes here. I do not know how far it is rescinded or in force in other prisons.

12,567. It is not adhered to here?—It is not adhered to.

12,568. (Mr. Brodick.) Was O'Donovan Rossa supplied with flannels here?—I think he was.

12,569. (Dr. Greenwood.) Are the prisoners searched in this prison?—Frequently.

12,570. How often?—A man is supposed to be searched at least once a week, but if he is a suspected character he is searched once a day, and sometimes twice a day.

12,571. Does the searching involve taking off all his clothes?—Not always; sometimes.

12,572. Was O'Donovan Rossa very frequently searched?—He was searched very frequently, because he was frequently found to have forbidden things about him.

12,573. Do you happen to remember if he was searched daily for a considerable period?—Well, I could not state exactly whether he was, but I think it is very possible that he was.

12,574. By whose order was he searched so frequently?—Sometimes by mine, by the deputy governor's, and by the chief warder's. When forbidden things are found in a prisoner's cell, or about his person, increased precautions are at once taken, and he is searched more frequently than he would be if nothing was found on him.

12,575. Is it in the discretion of the chief warder to have a man searched every day?—He would not have a man searched every day unless he makes a report to me.

12,576. Is there any record kept of such reports made to you?—There is a weekly form stating that the prisoners have been searched.

12,577. Can you find by reference to them whether O'Donovan Rossa was very frequently searched between February and the end of May '67?—No, there is no daily record of it.

12,578. Then there is no means of verifying his statement that he was searched every day from February to May '67, or of ascertaining that it is not true?—I think if you would have the kindness to allow the officer who was in charge at the period, and who has been the person to search him, to give you his testimony, that he would be the person that could give you the most reliable information.

12,579. What is the name of that officer?—I shall have to send for him.

12,580. I want his name?—I know one of the chief warders who was then in charge of that pentagon, Warder Handy.

12,581. What is his name?—Chief Warder Handy.

12,582. Did O'Donovan Rossa ever refuse to strip and be searched?—I think on one occasion, when he behaved so very contemptuously, he did.

12,583. In what manner did he behave so contemptuously?—I think he defied his officers. They came to his cell door and spoke in a very peaceable manner to induce him to unlock his door; he would not do it, and it had to be broken open, and the officers had to go in by force. He vowed vengeance against their lives on that occasion, and it is recorded in the reports against him.

12,584. Was that the occasion on which he refused to go to the dark cell?—I think it was. Every prisoner who is sent to the dark cell is stripped, and a very careful examination is made.

12,585. Was he removed there by force?—He was. 12,586. Was there anything like a row?—They had to use great force, but the chief warder, I think, and two or three other officers were present, but he made no surrender. He carried his resistance to the very utmost, although he refrained from striking them.

12,587. (Chairman.) Was that an occasion when

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Cuoper, Barnsford, and Brown were there?—Yes, two of these officers are here. I think the deputy governor was present.

12,988. Who was the deputy-governor at that time?—Captain Wallack. He is no longer here.

12,989. (Mr. De Vere.) Do I understand you to say, Mr. Merrick, that there is no regular rule as to the searching?—No, because the more uncertain, they are the better and the more effectual.

12,990. Is it possible that a man might be searched three times in one day?—It would be an unusual thing for him to be so. It might occur in this way; a prisoner is brought before me and sentenced very likely to bread and water for one, two, or three days, or he might be sent to a refractory cell. He would be stripped before he is put in there to see that he has nothing improper about him. If his conduct is such as to require him to be moved to a dark cell he would be searched again before he is sent down to the dark cell, and when he is removed from the dark cell back again to his own refractory cell he would be searched, because sometimes those fellows find things in the cells, and they may do injury to themselves or to the officers that are brought into contact with them.

12,991. On each of those occasions would he be searched on your authority, or on the authority of the warder?—In the existing regulations of the prison it is stated that no prisoner is to be placed under bread and water until he has been very carefully searched.

12,992. Could a man be searched once a day for a number of days without an order consenting from you?—No, certainly not.

12,993. How would that order be required?—A representation would be made to me that it was necessary to have it done. We have had prisoners here that it was necessary to search every day; such as deliberate prison-breakers.

12,994. I thought I understood you to say that on some occasions the prisoner is searched by the authority of the warder only, and without any communication with you on the subject?—Yes.

12,995. Is there a limit to the number of occasions on which that may take place?—Well, certainly, the principal warder would not feel justified in searching a prisoner daily unless his conduct required it to be done, as in the case I have just referred to of frequent removals of the prisoner from cell to cell. O'Donovan Rossa was transferred from one pentagon to another; and a prisoner before his removal from one pentagon to another undergoes a search by the officer who transfers him, and the officer who receives him. If he goes even from one ward to another it would be the same.

12,996. Would those be naked searches?—Not necessarily.

12,997. Might they be naked searches?—Yes, if the man is a dangerous character.

12,998. Is it possible that a man might be subjected to daily searches, or searches more frequently than once a day, in the naked state, on the authority of the warders, and without authority from yourself?—No, certainly not.

12,999. Will you be kind enough to state to the Commission what prison regulation or standing order relates to the limit?—There is none.

13,000. Then why is it impossible?—I think the chief warder would scarcely take upon himself so great a responsibility. I think he would consider that he would exceed his duty in doing so.

13,001. If there was a complaint made by a prisoner before you, that the chief warder had exceeded his duty, would you take the statement of the prisoner as against the warder?—I should receive the statement of the prisoner, and also of the warder, and inquire why such a course was necessary.

13,002. If the warder denied the fact and the prisoner asserted it, what course would you pursue?—The warder could scarcely deny it, because so much search is made in the presence of one warder, but of two, and therefore I could fall back on the second warder. I think such a case as that could hardly take place.

13,003. (Chairman.) A search takes place on the reception of a prisoner. Will you describe the mode in which it is effected?—Do you mean prisoners received from county prisons or from Government prisons, my lord?

13,004. Prisoners received from Government prisons?—The prisoner goes into the reception ward. He is seen by the medical officer. He is stripped and put into a bath. He is examined carefully. His hair is cut according to the proper regulation. The rules are read over to him and everything is explained.

13,005. I rather refer to the mode of searching. He is stripped naked, you say?—Yes.

13,006. Is he searched in the presence of officers of the prison only, or in the presence of other prisoners?—When a man is stripped naked he is searched by himself; but if it be an ordinary search, other prisoners would be present, it is only rubbing down, the search perhaps is less minute from Government prisons than from county prisons. He is made to hold up his arms and keep open his jacket, but when the search is made more closely than that he would be stripped, but not in the presence of other prisoners.

13,007. A statement has been made to me by a man named Patrick Ryan to the effect that on his reception at Millbank he was taken into the reception ward and stripped naked in the presence of two officers and his fellow-prisoners, that he had his arms extended from his body while asked, that he was compelled to raise up one leg and then the other, and that his mouth and ears and private parts were examined. Does that give a correct representation of the mode of search?—That is much more minute, my lord, than is generally adopted, unless a man is supposed to have money or tobacco concealed about him. There are cases, and sometimes they are not unfrequent, that prisoners do conceal money and tobacco in their pelvises, and it is necessary to search close, money and tobacco have both been found in those parts; sometimes between their toes, sometimes in their mouths, sometimes they swallow it. I remember once that a man was searched three times; I was certain that he had some pig-tail tobacco about him. One officer searched and could find nothing; another officer searched him with the like result; but the officer who reported it was so satisfied that the prisoner had it concealed that he was searched the third time, and, I should say, a yard of tobacco was drawn from his fundament.

13,008. How often does this naked searching take place?—In ordinary prisons only in the event of your suspecting that they have tobacco or other prohibited articles about them. They get it occasionally in a friendly way. We are sometimes afraid that prison officers lend themselves to getting it; in fact we know they do, for they have been found out and dismissed.

13,009. You search also for the purpose of discovering if they have any instrument concealed with which they might do harm either to others or to themselves?—Yes.

13,010. In that search they are always put into the bath?—On reception all prisoners are bathed and searched.

13,011. How many baths have common water in them?—There are four separate ones in the reception ward; I think I showed you the baths the prisoners bathe in. There are also so many attached to each pentagon. They bathe there once a week, or once a fortnight, according to the season of the year. When a prisoner is first received he gets a bath before he puts on his prison clothes.

13,012. Does he go to bathe in the presence of the officers?—There is an officer present; and there is an inspection hole by which the officer can supervise him.

13,013. How many of those baths have the same water?—I am going to speak now with regard to the time of the reception of O'Donovan Rossa. At that time two prisoners on an average used one and the same water.

13,014. Has that been altered?—It has, my lord.

13,016. How many now use the same water?—There is clean water to each prisoner.

13,016. (Mr. De Vere.) When was the change made?—I think it was made some months ago.

13,017. (Dr. Lyons.) Before that change was made were there any precautions taken to prevent a prisoner being called on to bathe in water with those who had any skin disease?—There were no specific instructions, but the medical officer would prevent it. I see a memorandum that a man was to have a bath by himself.

13,018. Is this the form of handcuff that was employed about O'Donovan Rossa?—Well, I will not say exactly whether it was or not, because there was an alteration in the handcuffs some little time ago, but I could produce the officer who put the handcuffs on him, and he could tell you with the greatest exactitude.

13,019. What is his name?—I think it is Principal Warden Cooper, or Bercford.

13,020. Either Cooper or Bercford?—Yes.

13,021. Is that bowl which is now produced of the same kind as that which was used by O'Donovan Rossa?—Yes, and by all prisoners under punishment such as he was.

13,022. What is the diameter of that bowl? Is it nine inches?—Seven and a half or eight inches.

13,023. Do you think it possible for a man who has his hands in these close handcuffs by any manipulation to bring that bowl to his mouth so as to take stir-about or gruel out of such a vessel?—Yes, he sits on the block and he takes his spoon and feeds himself.

13,024. But O'Donovan Rossa had not a spoon on one occasion?—I have not said that he had not a spoon, I think. If he takes his spoon I said it was very likely that he would be deprived of it. If he was in handcuffs he certainly would not have his spoon restored to him unless he had broken it accidentally, and if he had spoken of it, the principal warden would get him a spoon. Principal Warden Cooper is at hand and would give you information.

13,025. I find recorded here on the 20th of December 1867, this order: "He is to have no other spoon issued."—Yes; but I think that does not refer to the cell he was in "for destroying his spoon and scraping away the cement on the bottom of the cell window." On that occasion he had no other spoon issued. That was the order that was given. I think you will find that he was then in an ordinary cell, and therefore would not want his spoon, as he can take the gruel out of his pint; he had soup once a week and could drink it out of his mess tin.

13,026. It is alleged that he had no spoon on one occasion that he was in iron. Now if he was in irons of the kind exhibited, the manacles being without a chain, and his hands being crossed and pretty tightly manacled at the wrists, do you believe that he could take the gruel out of that bowl?—I think at the time he was deprived of the spoon that he was not so that diet.

13,027. If he had no spoon, as is alleged, and if his hands were manacled with the kind of manacles now exhibited to the Commission, could he raise that bowl, which is about nine inches diameter, so as to take gruel out of it?—I should say he could, certainly.

13,028. How could he do it?—By lifting it to his mouth from his lap whilst sitting on his stool.

13,029. How would he lift it, the hands being crossed?—Very well. I could do it without difficulty.

13,030. Your hands are not manacled now?—At all events, I am satisfied that prisoners have taken their meals with manacles on their hands.

13,031. But they have had spoons?—Perhaps the best way to eat it would be to manacle me, if you please, and give me some water, and I will see if I can drink it. Never having had a prisoner in this difficulty who has complained to me that he suffered in that way, really the question has never occurred to me.

13,032. It is alleged that he was forced to take his food by leaping it out of a bowl?—I thought he said he was obliged to go on all fours.

13,033. Yes, and that he leaped it out of a bowl?—What better position would he be in, because if he could leap it out of the bowl there is nothing to prevent his getting it up to his mouth.

13,034. How would he get on his hands?—He sits on his stool and places it on his lap.

13,035. How is he able to do that when he has his hands manacled across?—He receives it in through the trap-door.

13,036. How does he drink the gruel out of the bowl?—He lifts it up to his mouth with his hands manacled thus.

13,037. At the risk of spilling it all?—Yes; but it would be much more steady than now, because there would be a little ballast in it.

13,038-9. I think your proposal to get the manacles on is a better way of testing it?—Yes; but I do not know if we can get any gruel at present. (Witness affects a wonder to have some gruel brought in the bowl.)

13,040. (Mr. Brodick.) The statement is this, "It has been asserted and denied that I was obliged to go on my knees and elbows to eat my food at one time. My hands were tied in front this time."

"I got a dish of stirabout in a black-hole cell. I had no spoon; I was hungry, and had to eat it in the 'shove position'?"—Knees and elbows—very well.

Now we will examine how he could get into that position and be able to eat his food more comfortably than by sitting on his block. To my mind the prisoner has made an assertion in which he has placed himself in a more uncomfortable position than if he had sat on the block.

13,041. (Dr. Lyons.) If he put the bowl on the block?—He had no obligation to put it on the block, if he put it on his lap. Of course, if he wanted to take his food in the most objectionable form he could; I do not say that he could not do it; I do not say he has not done it; but what I want to see is, was there any absolute necessity for his doing so.

13,042. Precisely. Do you remember Patrick Lennon being here?—Patrick Lennon; yes, he was here.

13,043. (Mr. De Vere.) Have you heard of a warden named Cooper?—Yes, Principal Warden Cooper; he will be here directly.

13,044. Can you give us the name of the medical officer who was here at that time?—I think Dr. Gover, but it might have been Dr. Pocklington, who is now in private practice. Dr. Gover was here. He was reported once.

13,045. (Dr. Lyons.) Was he under the care of Dr. Gover?—I think he was. He was once reported for having half a newspaper. He got 48 hours' bread and water and to forfeit 100 marks, and in future to pick air or calcium.

13,046. Was the punishment of 48 hours' bread and water carried out?—Yes, I think so.

13,047. Had he been never reported before?—That is the only report against him.

13,048. How long had he been in prison when that took place?—He came here on the 28th of February 1868, and this occurred in the May following.

13,049. He had not been under report before?—No.

13,050. Is that the usual punishment for such an offence?—A man having a newspaper forfeits three months of his remission; also for having tobacco and matters of that kind he forfeits three months for the first offence with three days' bread and water. (Principal Warden Cooper brings in a bowl of gruel, and puts the handcuffs in front of Mr. Marriack.)

13,051. (Mr. Marriack.) I consider that it can be brought up to his mouth this way. (Witness lifts the bowl to his mouth.) I think I could empty that bowl without much trouble. There are prisoners here who are as expert in the handcuffs as out of them, and we had many men in Dartmoor that had released

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themselves from the handcuffs behind and put them before.
13,052. (Dr. Greenham.) How did they do that?
—They jumped through them.

The witness remained.

ROBERT COOPER examined.

13,054. (Chairman.) You are a principal warder in this prison?—Yes, sir.
13,055. At the time that O'Donovan Rossa was here were you a principal warder?—Yes, sir.
13,056. Do you recollect when he was in handcuffs?
—Yes, sir, I placed him in handcuffs.
13,057. Looking at these handcuffs, can you say are they or are they not the same description as those which were placed on O'Donovan Rossa?—They are just the same, sir.
13,058. Did you on the several occasions on which he was handcuffed always put on handcuffs of that kind?—That is the only kind I ever applied, for I applied them only once, sir.
13,059. You only applied them once?—That is all, sir.

Both witnesses withdrew.

Mr.
R. M. Gove.

Mr. ROBERT MENDY GOVER examined.

13,065. (Chairman.) Mr. Gover, you are the medical officer of this prison?—I am, my lord.
13,067. (Dr. Greenham.) What are your medical qualifications?—Member of the Royal College of Surgeons, England, and Licentiate of the Society of Apothecaries.
13,068. (Chairman.) How long have you been medical officer of this prison?—For the last 10 years; not medical officer, but I have been here since 1869.
13,069. How long have you been principal medical officer?—I am principal medical officer since April 1868.
13,070. Do you remember a prisoner called Richard Burke?—I do, my lord.
13,071. Has he been here on many occasions then once?—Twice.
13,072. For what purpose was he here on the second occasion?—Chiefly, I may say entirely, to be under my medical observation, with the view of ascertaining the state of his mind.
13,073. What was your opinion of the state of his mind?—Well, as the result of very careful observation, extending over some weeks, I saw nothing to convince me that he was unsound in mind; I was not able to assert that he was positively sound in mind, at the same time I was not satisfied that he was unsound.
13,074. Did you consider him suffering from any form of disease?—No, I did not.
13,075. You did not think him the subject of cerebral disease?—No, I had not sufficient reason to think so.
13,076. Was he perfectly coherent in his answers to you?—Not always.
13,077. He was not?—He was not always coherent.
13,078. Could he answer your questions on any occasion?—At first he would answer them, but a long time previous to his removal he refused to answer questions altogether.
13,079. Do you think that that refusal arose from wilful disobedience, or from want of power of comprehending your questions?—I cannot but think that it was wilful.
13,080. Wilful?—I think so.
13,081. There was nothing like incomprehension?—I think not. I came to the conclusion that it was wilful.
13,082. Was he improved, or was he the same when he left this prison as when he was sent here?—Physically he was not quite so well. He had refused to take his out-of-door exercise very much, and consequently he was not quite so well when he left this prison as when he came.
13,083. You did not see sufficient evidence to satisfy

13,053. How could they jump through them?—They are so pliant that they have no difficulty whatever in getting the handcuffs before.

13,060. Was that on the occasion of his being taken to the dark cell?—Yes, sir.
13,061. Was it an occasion on which there was a great struggle?—No, sir.
13,062. You were present on the occasion of the struggle when Berkeley and Brown were engaged with him?—Yes, sir.
13,063. (Mr. De Fera.) Do you remember a prisoner named Patrick Leamon?—Yes, sir.
13,064. Do you remember any occasion on which you were present that he asked the medical officer to examine him with the stethoscope, as he was complaining of some affection of the chest?—I have no recollection of it, sir.
13,065. You have no recollection of it?—No, sir.

Both witnesses withdrew.
Mr. ROBERT MENDY GOVER examined.
you that he was *non compos mentis*?—Quite so; that was just my conviction.
13,084. Is it common for prisoners to sham insanity?—It is not very common now; but for some reason which I cannot account for, shamming used to be much more common some years ago than it is now. We have cases now and then even now, and we see more of it here than in other prisons I discuss, because prisoners are sent here for observation; but the cases are not numerous.
13,085. Did you ever see any other prisoner who failed to answer questions in the same manner that Richard Burke did, and for so long a time?—I have had prisoners who would refuse to utter a word for a long time, but I do not know that I ever had a prisoner who refused to answer questions so long as Burke did.
13,086. Did Burke occasionally answer your questions in an irrelevant manner?—No, I should say not in an irrelevant manner. When he made answers they were generally relevant.
13,087. They were complete answers to the questions put to him?—They were.
13,088. Do you think that when Burke was here he was in a state to have been examined by me, and to have given evidence before this Commission?—I do, my lord.
13,089. (Dr. Lysons.) You stated a little while ago, Dr. Gover, that you would not say that Burke was of unsound mind?—No, sir, I should not like to say it.
13,090. Or that he was of sound mind?—No, I would not say positively that he was of sound mind. I wrote to Dr. Campbell, when he left here, stating that I was unable to assert that he was of sound mind, although I did not see symptoms sufficient to convince me that he was unsound. I felt somewhat doubtful I feel, but still the impression on my mind was that he was not unsound.
13,091. How long was he here under your observation?—I think seven or eight weeks. Something like seven or eight weeks, or very near to it.
13,092. What state of mind do you think a week when you cannot say was either of sound or unsound mind?—We have a great many doubtful cases here, a great many mixed cases, including cases of weak mind, and I am frequently unable to say one way or the other.
13,093. Will you define the condition of mind that you suppose him or them to be in, when you do not undertake to say they are of sound or unsound mind?—What is the intermediate condition?—The opinion that I formed with regard to Burke was, that he was feigning insanity for some time. I thought that he was feigning insanity rather cleverly, but I felt some doubt whether he was feigning or not.

13,094. You had not made up your mind whether he was feigning or not?—Just so.

13,095. If he was feigning would it not show that he was of tolerably sound mind and using his faculties to deceive you pretty carefully?—Just so; I think it would. I think if he were feigning that he was feigning well.

13,096. If he was feigning that he was feigning well?—Yes.

13,097. I will now ask you to give a direct opinion one way or another, as to what you consider the state of Burke's mind while he was under your observation?—My opinion was that the balance of evidence was decidedly in favour of his being of sound mind; I was so much more disposed to think he was sound in mind than unsound.

13,098. Are you still in doubt of his sanity or not?—I have heard nothing about him since he left this prison.

13,099. But when he was under your observation?—Yes, I am still in some little doubt; but it is only a slight doubt, as to whether I could have come to the conclusion that he was sound at the time of removal. If I had been able to have kept him a little longer, perhaps I might have formed a different opinion.

13,100. You do not consider that you had sufficient opportunity of forming a correct opinion?—Not to be an absolutely final conclusion.

13,101. Did you ask for a consultation with any person skilled in mental diseases?—No; it has been unusual to have consultations here for many years, but I had my assistant-surgeon.

13,102. Is it open to you to ask for special advice in any case in which you might need a consultation?—It is open to me to ask for it, decidedly.

13,103. (*Chairman.*) Is it often granted?—I have always preferred to act on my own opinion with regard to whether any case requires special examination or otherwise.

13,104. (*Dr. Ligon.*) That is a wide answer to Lord Devon's question as to whether such a thing would be granted if you asked for it?—I have every reason to believe that it would be granted if I asked for it.

13,105. Are you aware that a medical man of special eminence in mental diseases was subsequently asked to see this Richard Burke in consultation?—I knew that Dr. Meyer had been called to see him, but that was before he came here.

13,106. You know that he had seen him in consultation with regard to the state of his mind?—Yes.

13,107. In what way did you test the state of his mind?—By very careful watching, irregular visits, and by keeping officers in the room with him who reported to me carefully the occurrences of the day and of the night; by frequently conversing with him for long periods, as much time as I had to spare, and then considering afterwards the nature of his replies or his manner to me. These were the different methods.

13,108. Could you mention any of the incidents that occurred between you and him, and what the nature of them was?—Yes.

13,109. That led you to this doubtful state of mind as to his sanity or insanity?—I can mention one thing which struck me as being important. I think it was about 10 days or a fortnight after his arrival here, that the prisoner Power, who was in association with him, requested that he and Burke might take exercise in the space of ground between the prison building and the garden wall, the space which surrounds the prison, and it was referred to the director. The director declined to grant the application, and there was a most remarkable change in Burke's manner from that day.

13,110. (*Chairman.*) In what respect?—It was then, my lord, that he began to decline to speak to me. He declined to answer any questions. He even pushed me away from his bed once, threatened and

swore, and buried himself in the bed; and in these various ways he showed his determination not to answer any questions. He said he would have nothing to do with the doctor. This sudden change of conduct was a circumstance which impressed me much.

13,111. (*Dr. Ligon.*) Was he often violent?—Do you mean in language?

13,112. In manner, or in language, or both ways?—Yes, he was generally disposed to be violent, and was actually violent once or twice.

13,113. Had the straight waistcoat to be used with him?—No; he was never restrained. He never went so far as that.

13,114. Have you had any very special experience in mental diseases?—Yes. Any medical man holding the position of chief medical officer here necessarily has experience, because it is a custom when a man falls into a doubtful state of mind in any other Government prison, to send him here for observation, that the doubt may be cleared up.

13,115. Did you make mental disease a special study?—I have read works of psychological inquiry.

13,116. Have you visited lunatic asylums?—Yes; I have visited asylums and have also studied insanity by medical lectures and psychological literature.

13,117. Did Burke take his food while he was here?—Well, some; he fluctuated in that respect. Sometimes he took it very well and at other times he took only a part, but he never refused it altogether, I believe, more than 24 hours at a time.

13,118. Did you study the expression of his features, and especially his eyes?—Yes.

13,119. Was there anything peculiar about the expression of his eyes?—Frequently. I do not know that there was anything more than fierceness.

13,120. Was there any silly expression about him at that time?—Not to strike me at all; I have not noticed it.

13,121. Had you ever a satisfactory opportunity of observing him when he was not under the view of the wardens or prison officials?—I had hardly an opportunity of doing that, but I have remained in the room and talked to the officers and to himself for a time; or more frequently than that, I talked to his fellow-prisoner, Power, as to his ailments and symptoms, endeavouring to divert the attention of Burke in that way; and whilst conversing with Power was watching Burke.

13,122. Did you ever examine him, being alone with him?—No, sir.

13,123. Is it not usual to do so before coming to a definite opinion. In ordinary practice it is so?—Yes; but it is a very unusual thing for a prisoner to be seen alone. I am rather cautious, and generally have one officer with me at least.

13,124. Is it not a rule in regard to giving certificates of lunacy that a medical man should see the supposed lunatic alone?—I do not believe that it is.

13,125. Are you not aware that it is strictly so?—I am not aware that it is strictly so.

13,126. Why did Burke fall away?—He did not take exercise. He scarcely took any exercise, and therefore he did not appear so robust when he left here as when he came. I attribute it chiefly to that, and partly to the fact that he did not always take his food.

13,127. Do you know whether he slept well while he was here?—Yes, he always slept well.

13,128. Was there anything secondary about his pulse?—I never detected anything.

13,129. Did you examine his pulse?—Frequently.

13,130. Have you any record of the state of his pulse?—I have rather copious notes of his condition in other respects, but not of his pulse. His pulse was always normal, so that I did not consider it necessary to record it. His pulse was quite regular.

13,131. Do you know what the rate was?—It was about 74 or 80 generally.

13,132. (*Mr. Brodick.*) Did you find any trace of delirium in Richard Burke?—It was very difficult to find him out. He would not talk at all. That was

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one of my difficulties. I did not discover any trace of delusion during the first fortnight, the only time that I had opportunities of conversing with him.

13,133. Was he under the impression that he was being poisoned?—No, not here. I do not think he was really under that impression. He pushed his food away sometimes as if he wished it to be inferred that he thought it was poison. I have observed him distinctly do that once or twice. I do not know that he stated it was poison, but after awhile he pushed it away as if implying that there was something the matter with it.

13,134. Do you remember if that happened both before and after the change you spoke of?—I think it was afterwards. I have exact notes of all that used to take place, so that I could furnish all these details.

13,135. I think you said he was watched at night?—He was watched at night. He had fresh officers at night. The officer of the day was released at night.

13,136. Could you say whether the observation made at night tended to confirm the theory of his feigning insanity?—It did; from the fact of his always sleeping well. That was I think a very important matter.

13,137. (Dr. Lyons.) Do you think insane people do not often sleep well?—They very often do not sleep well.

13,138. Do you not know, for instance, that they very often sleep remarkably well?—I quite agree with you that they do.

13,139. (Mr. De Vere.) When you say that his answers to your questions, when he did answer you, were relevant, what do you mean by the word "relevant"? Do you mean to say that his answers were relevant in the sense of having reference to the subject matter of the question?—Just so.

13,140. Do you mean to say, further, that they were rational answers to the questions which you had asked?—They were rational, but with a little eccentricity about them once or twice.

13,141. (Chairman.) They were answers that showed he understood the question?—He always understood the question.

13,142. (Mr. De Vere.) Have you had many cases of shamming insanity under your care here?—There were some years ago more, but lately I have not had many cases of feigned insanity, for the disposition to feign has seemed to some extent to lessen, not I suppose being so successful as it used to be; I do not know whether that is the reason or not.

13,143. Is it not a most useful thing in shammed madness for the patient to answer the questions in an irrelevant manner if he wishes to produce in the mind of his medical man the idea of his being insane?—Generally, sir; but not always. I have known men who have feigned insanity and gave rational answers to the questions I put to them.

13,144. (Chairman.) Mr. Geary, will you oblige us by just giving an account of your day here. We want to know your duties, and the time when they are performed by you?—I come to the prison at 9 o'clock in the morning, and attend to any letters, reports, or other special matters that are brought before me. Then I go to the hospital at once. I make it my first duty to see the patients in the hospital. Previous to that though I have seen the sick officers. I should have mentioned that the females as well as the males are to be seen, and that they take some time. But before I go on, my lord, I wish to know whether you wish to have the medical duties as performed by myself or the department.

13,145. As performed by the medical department?—Then I start through the passages as soon as I can.

13,146. These remain in their own cells?—In their own cells. They are seen early in the morning, sometimes before the hospital, sometimes after; but they are seen only in the morning. Then the prisoners under punishment; all the prisoners on bread and water.

13,147. They are always seen by you as they are

sent in?—Always; the fact of a man being under punishment seems a visit.

13,148. It is communicated to you when prisoners are put under punishment?—Oh yes; I have a list of prisoners every morning. Immediately that the reports are over the list is brought to me.

13,149. You visit the cells and see them there?—Yes.

13,150. How often do you visit the prisoners in the dark cells?—They are visited sometimes twice a day; but it is a very long time since we have had any in dark cells. The fact of being in a dark cell would multiply the number of visits. We should pay rather more visits to men in the dark cells than those in other cells. Then I have much writing to do here; many entries to make, various registers to keep, and these duties in the male and female side occupy the whole of the forenoon. I generally am engaged up to 1 o'clock with those duties, and then I leave the prison for perhaps half an hour or so, and return about 2 o'clock.

13,151. You live near the prison?—I live near the prison; and in the afternoon I pay a second visit to the hospital, and sometimes my time is taken up in seeing mental cases under medical observation. Then I have to examine all the candidates for employment in Government prisons. I frequently have several to examine in the course of the day.

13,152. What candidates?—Candidates for wardships as officers. I have not yet mentioned the whole of my duties; for instance, every man has to be examined on reception. We receive a great number of prisoners here. They do not continue in the prison very long, and as every man is examined on reception, and again examined before discharge, there is much to do in the way of examination.

13,153. With regard to those prisoners who are neither in the infirmary nor amongst the "complaining sick" in their cells, how often do you see the ordinary prisoners?—Once a month, my lord, at least.

13,154. Does every prisoner pass under your notice at least once a month?—At least once a month.

13,155. I suppose if any prisoner falls ill he puts his name down to see you?—Just so.

13,156. How do you and your assistant divide the work; do you take certain portions in turn, or do you change from time to time?—We change from time to time; but still much more frequently the assistant-surgeon takes the "casual sick," as we call them, scattered in the prison, and he sends any serious cases to the hospital. The hospital men generally fall to my care.

13,157. Does your assistant live in the prison?—Yes, he lives in the prison.

13,158. (Mr. Brodick.) In your experience have you found that bread-and-water punishments have a decidedly injurious effect on the health of prisoners?—Well, I could not point to any cases, but I have an impression that bread and water, if it is continued long, is injurious; but I cannot point to any case proving that it is so. Still, the general impression produced on my mind by my experience is, that if it is continued many days it is injurious. I consequently in some cases interfere, I communicate with the governor, and stop the punishment. Wishing to prevent injury I do not wait for it to become manifest, but if any prisoner is likely to be injured by bread and water I stop the punishment, so that I have no cases to prove that it is injurious.

13,159. You have no cases showing that permanent deterioration of health has followed that mode of punishment?—No, sir.

13,160. (Dr. Greenhow.) Do you remember a prisoner who was here named Patrick Lynam?—I remember the name, but I cannot say that I remember the prisoner; I have records about him, so do not.

13,161. Could you produce those?—Yes; I have brought some papers.

13,162. We will take up his case first. Here you

any notes of his case?—I think I have, sir, but I am not certain. I recollect the name.

13,163. He was forwarded from this prison to Dartmoor on the 30th of December 1868. He was here 10 months exactly?—I have not the notes, but I can get them.

13,164. We will go on to another case. Do you remember Underwood O'Connell, a prisoner who was here?—I do not readily connect persons with names, but I recollect the name well enough. I have no doubt that I should know the man if I saw him. I have some recollections about him which I can produce.

13,165. Will you look to the notes of his case?—Perhaps you will allow me to mention that I looked through all our books, and copied the entries that I found with regard to those cases in the books and medical papers, and sent them to Parliament Street for the Commission. I had not time to make copies of these extracts.

13,166. Please to read the notes which you have made.—“Charles O'Connell, 29th of May 1868; asked for a tooth-brush.” I have no record of that having been granted to him.

13,167. What I want to know is, what state of health he was in whilst he was here?—He was not in perfectly good health, but frequently suffering from debility. I find that I put him on hospital diet, and he remained on it a long time. On the 13th of June he was ordered *frictions ferri muriatici* and cod liver oil; on the 16th he was excused beef labour, and chewing; on the 18th he was put on hospital diet, with beef tea, but he was not admitted into hospital; he had it in his cell, and he remained on it, I believe, during the remainder of his time here.

13,168. What symptoms was he suffering from?—Nothing more than debility, with some symptoms of dyspepsia.

13,169. Did you make a physical examination of his thoracic organs?—Yes.

13,170. What did you find?—No indication of organic disease at the time or at any time.

13,171. Did he suffer from palpitation at times?—I found nothing to note with regard to that, but I find here that he complained of general debility, pain in the head, and some symptoms of dyspepsia, and in consequence of that I ordered him hospital diet.

The witness withdrew.

THE REVEREND VINCENT ZANETTI EXAMINED.

13,182. (Chairman.) You are the visiting priest of this prison?—Yes, my lord.

13,183. How long have you been here?—For very near seven years; seven years in December.

13,184. Before going into details I should like to ask you whether you are satisfied with the arrangements and facilities that exist here for your ministrations, and the opportunities of access that are afforded to the prisoners of the Roman Catholic church?—I am quite satisfied, my lord. I have every facility that I can reasonably expect.

13,185. What is your view of the arrangement as to books?—With regard to the books, there is a certain number of books that are given to each Catholic prisoner that are of a special character and nature—a prayer book, catechism, and a little meditation book. “Think well on it.”

13,186. These are books selected and approved of by yourself?—They were selected by my predecessor, but I quite approve of them in every way. There is also a “New Testament.”

13,187. The Douay version?—The Douay version. 13,188. Are you able to tell us whether or not you had occasion to complain of any interference with the religious views and principles of the members of the Roman Catholic church here?—I have never had to complain in any way. The chaplain attends to his prisoners; I attend to my prisoners; and I do not think there has ever arisen the slightest question of controversy or unpleasantness between us.

13,189. You are not resident here?—I am not, my lord.

13,190. You received with him, no doubt, from Portland his medical history?—No, sir.

13,191. He came here from Portland?—Yes; but he did not come on medical grounds.

13,192. Is it not the fact that the medical history follows the prisoner wherever he goes?—Yes; but the medical history, I think, has been in use only since that time. The use of medical history sheets has not been going on more than two years or so.

13,193. What was done with regard to notes of cases previous to two years ago?—We had books. A man's condition is now entered in the medical history sheet, but previously we entered his condition in a book.

13,194. But we have been furnished with medical histories of all these treason-felony prisoners?—We copied them out of our books. Those are copies that you have.

13,195. I am aware of that. When a prisoner comes to this prison from another does he bring no statement of health with him?—He does now.

13,196. He did not at that time?—Not at that time, if it is not found in the medical journals, but if found in the medical journals he would.

13,197. Have you any means of ascertaining the grounds on which O'Connell was sent from Portland to this prison?—I think he was sent on disciplinary grounds.

13,198. You were not at all aware that he was thought to have disease of the heart?—No, sir.

13,199. I may tell you that he was noted at Portland as having slight aortic disease, with a query to it.—I have no recollection of it, sir.

13,200. It was on that ground I examined you on his case, expecting to hear from you some account of his circulatory organs.—Every prisoner is examined here on his arrival.

13,201. Have you found any notes of Patrick Lannon's case?—I have just a note that I also put him on hospital diet.

13,202. (Chairman.) We will resume your examination in Parliament Street on Thursday, when you will be kind enough to be prepared to refer to such documents as you have relating to the treason-felony prisoners into whose cases we are inquiring?—Yes, my lord.

my lord. I reside in the neighbourhood, at the Catholic chapel-house of Saint Mary's. There are three clergymen there, who perform the duties of the district to which they are assigned, and I lodge in the same house, near the prison.

13,203. Do you recollect a prisoner of the name of Patrick Ryan, a treason-felony convict, being here?—I have not a distinct recollection, my lord, of Patrick Ryan.

13,204. He makes a statement to us, and I should like to know whether what he represents has been brought under your notice or not. He says that he was employed to work the pump. He is asked the question, “Did you ever object to working on any one day in the week?” and his answer is, “I objected to it once, sir, and that was on a Sunday that I was to receive the blessed sacrament, and the officer told me ‘I could not; that it would be better for me to work at the pump; that it would do me more service.’” Do you recollect hearing that there was any difficulty thrown in the way of the prisoners receiving the sacrament in cases of being employed at work?—I do not, my lord; but now that mention is made of it, I have some recollection of some prisoner—but who the prisoner was I cannot recollect—making a difficulty of working the pump on Sunday, and stating an objection he had, but whether he was going to examination or not I cannot remember. I stated to the prisoner—I cannot remember who it was—that it was a work of necessity; that the water had to be supplied for the prison, and that conse-

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quently the prisoners had to work on Sunday; that it was not an unnecessary but a necessary work, and that, therefore, he should do what he was told, and should work as the pump like the rest. I cannot say whether it was Ryan or not, but I remember the question distinctly.

13,195. I suppose it is the same, for he is asked, "Were you unable to take the sacrament that day?" and his answer is, "No, sir, because, of course, I had to tell the priest about it afterwards." He is then asked, "Did you receive the blessed sacrament that morning?" and he answers, "Yes, sir."—I should have put no difficulty whatever in the way of his receiving the sacrament. The being engaged for a short time on Sunday morning in working the pump was not anything forbidden, or anything that I should have objected to, and therefore he might have received the sacrament, and still have worked the pump. I should not have placed any difficulty in the way of his receiving the sacrament under such circumstances.

13,196. (Mr. Brodick.) When prisoners are under punishment do they attend mass on Sunday morning?—They do not, sir, when they are under punishment; they are confined to their cells.

13,197. Do the inmates of the infirmary attend mass if they are well enough to do so?—It has not been the custom for inmates of the infirmary. There are two infirmaries. There is a large infirmary, the infirmary properly so called in "4 E room," as it is termed, where those who are very sick are placed; and there are minor infirmaries, 4 C and 4 D, in the same passages, where prisoners are placed when their sickness is of a slight nature; and neither the prisoners of the great infirmary or of the small infirmary can go to mass on Sunday; it is not usual. I felt some difficulty regarding their being all prevented from going to service. I asked the governor to allow those to go to service who were sufficiently well to do so, and for some time they went to the service on Sunday, but there seems to have been several difficulties with regard to it. They pass communications one to another. They have, it appears, some special means of corresponding with other prisoners; and for some peculiar reasons, which were not completely explained to me, the practice was discontinued, so that now no prisoners who are sick go to chapel on a Sunday.

13,198. (Mr. De Vere.) You say, Mr. Zanetti, that when you heard that the infirmary patients were not allowed to go to mass you felt some difficulty about it?—I felt regret; regret that certain prisoners who were sufficiently well to go to service on Sunday were not allowed to go; the prohibition was indeterminate.

13,199. Then probably in that respect you would wish to correct your former statement, that you never had any reason to complain in any way?—I modify it in this respect, I accepted the answer of the governor as a satisfactory answer. I thought the difficulties so great that discipline would not allow it without producing a greater evil. But I accepted the answer with regret.

13,200. The explanation given by the governor, as I understood you, was, that there were means of communication which were subversive of discipline when hospital patients attended mass?—It was so; on that ground principally.

13,201. How do the means of communication, when hospital patients attend mass, differ from the means of communication between ordinary prisoners when they are attending mass?—I cannot state the reasons. I cannot explain the reason of the governor, but he stated that it caused great embarrassment, that communications were facilitated amongst the prisoners, and that it necessitated the employment of more officers. I did not go to examine—to ask him his reasons further. I accepted his declaration as being a sufficient reason why they could not go to service on Sundays.

13,202. But considering the very serious deprivation that it would be to any Catholic, especially to a sick man, to be deprived of the benefit of attending

mass on Sunday, did it not strike you that it would be well to ascertain somewhat further from the governor why these disabilities would apply to infirmary patients, and were not equally applicable to all prisoners?—I spoke on this subject more than once to the governor. I urged the matter more than once. The governor did go into a few details, and as those details appeared to many points of discipline with which I was unacquainted I accepted his declaration as satisfactory. I thought that the governor really would not put any difficulty in the way of the prisoners without reason, and it was on that account that I did not urge my point.

13,203. Did the difficulties which the governor urged in point of discipline apply to the patients in the infirmary only, or did they apply to the prisoners under punishment also?—To the infirmary patients only.

13,204. Then did you ever make any application that prisoners under punishment should be allowed to go to mass on Sundays?—Never. I spoke on this subject. I do not know that I made an application exactly on the subject.

13,205. May I ask to whom did you speak about it?—I cannot say. I spoke of course to the governor; he is the one that I should speak to on the matter. I cannot say if it was this present governor or his predecessor. But I made some inquiries why the prisoners under punishment should not be allowed to go to service, and the answer that was given to me was this, that if the prisoners are allowed to be taken from solitary confinement, if they were allowed to associate with other prisoners and to be at service, it would be considered as a great alleviation of the punishment, and that that could not be allowed.

13,206. Then perhaps you would wish to modify your former answer, that you had nothing to complain of, by saying that you have to complain that certain prisoners who were under punishment were not allowed to go to mass?—When I stated that I had nothing to complain of I stated it under the impression that the governor would have allowed the prisoners to go to mass—to go to service—if it was consistent with discipline. I took it for granted that it would be subversive of discipline. I did not wish to press my demands too much, or wish to do what I considered inconsistent with discipline.

13,207. If a man were allowed to go to mass the Sunday intervening during the period of his punishment, would it not be very easy to recall his punishment for that Sunday, and to give him a punishment on some subsequent week day instead of it?—It is considered a favour, a privilege, to attend service, and to deprive a prisoner of that favour is considered a part of the punishment. That is the way in which it is regarded by the authorities.

13,208. May I ask you as a Catholic priest—I have no doubt as to what your answer will be—whether the attending at mass is not only a privilege, but a duty?—It is a duty when it can be complied with without very considerable inconvenience.

13,209. If the authorities of the prison, without a positive necessity, prevent prisoners under punishment and infirmary patients from hearing mass on Sundays, are they not only depriving them of a privilege, but compelling them to forego a duty?—I should not classify the two together. I should think it most desirable that prisoners in the infirmary who are sufficiently well to attend the service of the church should attend service; but with respect to prisoners that are in punishment I should consider that the object that the authorities had of rendering that prisoner's punishment more heavy would satisfy me in regard of the obligation under which they were placed.

13,210. Do I understand you to say that you can justify the depriving prisoners of mass as a means of making their punishment more heavy?—The authorities believe that it is necessary, and I accept their declaration that it is necessary for the efficacy of the punishment, and in that point of view I think that it is a justifiable resource.

13,211. Did it ever strike you whether an equivalent punishment might not be given to a prisoner by making such arrangements as to enable him to enjoy the privilege of mass, and to have some other punishment substituted instead of the punishment remitted?—If the authorities considered that the efficacy of the punishment could be maintained, allowing the prisoner at the same time to go to mass, then I should be very glad of it, and I should think in that case it would be my duty to urge, so far as I could, the authorities to allow the prisoners to go to mass. But if I accept, as I do, the declaration of the prison authorities that the punishment would not be found efficacious if they are allowed to go out of their cells to public service, I consider that I could accept conscientiously such a determination.

13,212. You have, you say, complained to the governor on the subject. Have you ever complained to the board of directors?—I have never complained to the board of directors.

13,213. (*Dr. Ligon.*) Do you think it desirable or necessary that a change should be made in the disciplinary arrangements, so as to allow prisoners under punishment and infirmary patients to attend mass on Sundays?—I should think it desirable, if it could be effected without disarrangement to the essential discipline of the prison, to allow prisoners in the infirmary to attend mass; and if the authorities considered that to allow prisoners under punishment to go to mass and to the service would not be a diminution of the efficacy of punishment, I should likewise desire that they should go to mass; but I am willing to accept their declaration, that it would be a considerable diminution of the punishment of the prisoners to allow them to go to mass.

13,214. Then supposing that the prison officials are responsible for the discipline, and that they are very well able to look after the discipline, and to have it enforced, I ask you whether, in a general way, you would not think it desirable that such a change should be made as would permit both classes of prisoners to attend mass, the authorities taking care of the discipline?—I should consider it very desirable, if the authorities would take upon themselves to attend to the discipline. I should be very glad that the prisoners in the infirmary should be allowed to come to mass, and such prisoners under punishment who were not unruly or refractory; because sometimes these prisoners are in a state of great excitement, and if they were allowed to come to chapel they might cause a commotion.

13,215. Do you think it at all likely that a Catholic prisoner going to mass would cause a commotion; have you ever met such a case?—I have met occasional cases, but generally in regard to prisoners whose minds were a little affected; prisoners who have been out in India, and who have suffered very much from the climate.

13,216. They are special cases?—Some special cases.

13,217. But allowing the officers to look after the discipline, do you not think it desirable that some change should be made that would allow the prisoners to attend mass who are now kept from doing so?—I do.

13,218. Is it not regrettable that prisoners should be deprived of so important a means of reformation and good influence?—It is, undoubtedly.

13,219. Have you ever seen, at home or abroad, any cellular arrangement in chapels, by which prisoners can attend mass without seeing each other or communicating with each other?—I have seen such arrangements abroad, in prisons in Belgium.

13,220. You are aware, then, that such an arrangement exists?—I am aware of it.

13,221. Did you see any of the treason-felony prisoners at Pentonville?—I saw all the treason-felony convicts at Pentonville.

13,222. Were you doing temporary duty at Pentonville?—I was doing double duty. I was here as a regular chaplain for the Catholic prisoners, and I

was asked by the director, Captain Gambier, to visit the prisoners at Pentonville—the treason-felony prisoners at Pentonville—and with some little reluctance I accepted that duty; in the first place, because my duties are very heavy here, and I had quite as much as I could do and perhaps more; and secondly, I objected to go into the district of another priest without his permission; I thought it would be a cause of offence just as it would be a cause of offence if one clergyman of the Establishment goes into the district of another without his consent and approbation. I determined not to decline with regard to the first difficulty of my being overburdened here and constantly occupied, and with regard to the second difficulty I asked permission. I mentioned the matter to the bishop, and the bishop gave me permission to go into another clergyman's district.

13,223. The archbishop or bishop?—The archbishop, I should say.

13,224. Dr. Manning?—Dr. Manning; he considered that I should go to Pentonville Prison in place of the clergyman, Canon Oakley, who was in the habit of going there. But at first the prisoners had no mass; they had no public service at all. They arrived there, I think, in December.

13,225. How long did that continue?—Well, I think it was only about two months; then they spoke to me about mass, and thought it hard that they had no public service. I said, "You had better mention it to the director, and state to him what you have" stated to me. I will mention that you have complained." I said, "Do you make your complaint to the governor and the director; I am sure that they will do anything in their power, at least I trust they will." They asked the director that they might have mass, and the director at once sanctioned it, and I was appointed to superintend the execution of an altar at the little chapel there, and to make all necessary arrangements for having their service on Sundays, and any week day when it was deemed necessary or expedient. But as I had four services at Millbank on a Sunday, which is more than a priest could well do, services for the female and male convicts (each of them had two services), I represented that I could not say mass on Sunday at Pentonville; therefore I suggested that Canon Oakley should say mass for them, for it was most important that mass should be celebrated. I also asked that Canon Oakley should attend some time during the week, and preach to them during the week a sermon, and my recommendation was carried out, and Canon Oakley attended some time during the week and on Sunday. He gave two services, I think, on Sunday.

13,226. Do you wish to pursue this subject further?—Not at all; except to add that what could be done in the religious point of view, for the treason-felony convicts, was done at Pentonville.

13,227. But they were left about two months without mass?—I think it might be about two months or six weeks.

13,228. (*Chairman.*) There is a chapel there now, or a room set apart for religious worship?—There was a room set apart for an altar. I think it has been removed, so there are no Catholic prisoners at Pentonville now.

13,229. (*Dr. Ligon.*) Did the treason-felony prisoners make any other observations or complaints to you as to their treatment at Pentonville?—They made many complaints whilst they were at Pentonville.

13,230. Of what kind were those complaints?—The chief complaint was about their dannel waistcoats, and another complaint was about their food.

13,231. What did they complain of about their dannel waistcoats?—They complained that they had come to Pentonville with dannel waistcoats, and that those dannel waistcoats were taken away from them; that they felt them to be greatly required, especially as the weather was exceedingly cold at the time. It was the time of the wreck of the "London," and was very severe weather.

13,232. What complaint did they make with regard

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to their food?—Some complaint that their food was in smaller quantity than what they had been in the habit of receiving in Ireland.

13,233. Did they complain of the quantity?—Yes, some did.

13,234. Did they complain of the quality of the food?—Yes, there was some complaint of the quality.

13,235. In what respect?—Some said it was not nice, or nicely cooked; but in regard to those complaints I can only say that they had what the other prisoners had.

13,236. You had no opportunity of testing that?—No, I had no opportunity of testing the way they were treated, but some of them told me that they preferred the food to what they got at Mountjoy, and there was a variety of opinions on that subject.

13,237. Did they make any other complaints?—They complained that they were very much watched and searched.

13,238. Can you give any testimony on that?—I am not much engaged in the discipline of the prison. I

The witness withdrew.

The Commissioner proceeded to view the prison.

Thursday, 11th August 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE CHARLES BRODRICK.
STEPHEN E. DE VEEB, Esq.

DR. LYONS.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

Captain DE CADE recalled.

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13,243. (Chairman.) Captain De Cade, when we saw you before you stated that several allowances had been granted from time to time to the Fenian prisoners by authority of the Secretary of State, but that you could not state the precise time at which they commenced. Are you able now to refer to any specific directions given by the Secretary of State on this subject, with their dates?—I can refer to the date of a letter in which some indulgence as regards food was allowed; but as to the other indulgence I have not made any special inquiry.

13,244. Do you retain the impression that in the other cases (not that as regards food) the authority of the Secretary of State intervened to secure the allowance of those indulgences?—I am sure the Secretary of State knew of it. It was known to him. There were no direct directions from the Secretary of State to my memory as to doing those things; except that particular case of the food there were no special directions which can be said to have been laid down by the Secretary of State; but the giving of certain indulgences was reported to him and approved of, not on account of their being political prisoners, but the giving of the indulgence was reported, and the fact of their being political prisoners was not urged on the cause of the indulgence.

13,245. The names of the prisoners were given?—It was known to be to those prisoners, but not because they were political prisoners.

13,246. When those reports were made did the reply assume an official form, or was it simply that no objection was taken. It was reported as a fact, that in my memory, but I have not looked up the points enough to answer precisely.

13,247. Is the letter from the Secretary of State to which you refer, one to which our notice has been directed, in which some changes of diet are mentioned with the view of accommodating the prisoners to prisons in other countries?—That expression was used in the Secretary of State's letter. It was asked for on medical grounds, and in the Secretary of State's reply that phrase was made use of.

know very little of what goes on in point of discipline, but I did observe that they were more watched.

13,239. They were more watched?—They were more watched, undoubtedly.

13,240. And were they searched often?—I think they were searched often, and strictly searched.

13,241. Did they make any other kind of complaint that you had an opportunity of knowing anything about?—Well, some complained of the rough and suspicious manner in which they were treated, but I do not think they were very many.

13,242. Did you see any roughness?—No, I did not. Warders are apt to be a little off-hand with the prisoners, and those prisoners who had been in a very good position, at least compared with common convicts, would naturally feel all those things much more than ordinary convicts, about their food and clothing and everything; but I really can say conscientiously, to the best of my belief, that they were not treated worse than any other prisoners; I think in some points with a little more consideration.

13,243. That is the case to which you refer?—That is the case to which I refer.

13,249. (Mr. De Vere.) What is the date of that letter, Captain De Cade?—It was last August.

13,250. (Chairman.) Had it special reference to any particular prison?—It was at Woking.

13,251. (Mr. Brodrick.) Have any instructions been given by the Home Office with respect to any indulgence to be given to the treason-felony prisoners in their work?—No instructions that I can recollect have been given, but in the same way the work they have been at has been reported, and tacitly, probably, approved of.

13,252. (Mr. De Vere.) Reported to whom?—To the Secretary of State.

13,253. (Mr. Brodrick.) You are not aware that instructions have been given, either by the Home Office or by your department, that at Portland the amount of work to be exacted from the treason-felony convicts should be little more than nominal?—Certainly there have been no instructions of that kind issued by the Secretary of State; and as far as anything that was done by our department it would be done in this way, that no particular notice in the way of reporting was to be taken of those men if they work easily; that they were not to be constantly reported for not working hard in the way ordinary prisoners would be dealt with.

13,254. Have any special instructions been given from the Home Office to your department with regard to their association with other prisoners?—That has been dealt with in the same way. The first instructions were that no difference was to be made with regard to them at all. Then from time to time it was found expedient and better in various ways that they should be kept separate. It was perhaps as much in the interests of the prison department as in their own interests that they should be kept separate; but I do not think that any definite instructions, such as to say that these men are convicted of a separate offence, and therefore they are to be kept separate, have ever been given at all.

13,255. Then most of the indulgences which may have been given to the Fenian convicts have grown up by degrees, and been tacitly sanctioned by the authorities?—They have grown up by degrees from various motives, and been tacitly, or mostly tacitly approved of.

13,256. (*Dr. Greco-New.*) With regard to work, was any instruction given to the governors of prisons that these men were not to be pressed to do the same amount of work as was required from the other prisoners?—That is in the same way as I said before; at first they were expected to work pretty much like other persons, or it was thought they should be made to; but afterwards it was found more expedient and better not to be continually reporting them for deficiency of work, but to let them be more easily dealt with in that way.

13,257. I want to ascertain whether there were any instructions given to the governors?—I should say that they have been told by the directors that they had better not report them for not working hard. You may call that an instruction perhaps.

13,258. (*Mr. De Vere.*) Was there any direction given with regard to the cutting of their hair or beards?—The directors, I think, have sometimes said that they need not insist upon that kind of thing. There is no Home Office direction.

13,259. Has that concession been made in the case of other prisoners?—Not through the whole of their sentences; certainly not. A short time before men are to go out from prison they are allowed to grow their hair; but some of these men have been allowed to wear their hair all the time.

13,260. Has the same indulgence been allowed to Roupell?—No; I never heard of it. I should say not; certainly not. I do not think any other prisoners have been allowed it. I may say that almost with certainty.

13,261. As to the hair and beard?—The order has been altered within the last few years as to cutting hair and beard. At one time we used to make them shave and cut their hair once a fortnight, or something like that. Now the order is not to shave at all, but to have their hair cut. I think it is once a fortnight or three weeks. Whether that is carried out, and a man is obliged to go under the barber's hands whether the hair grows quickly or not, I would not undertake to say. I think if a man was tidy he would not be forced to go; but there has been no order given that I know of as to letting any man off having his hair cut.

13,262. When you say that the board of directors have sanctioned their being allowed to associate differently from other convicts, has that indulgence been extended to them as a class, or as individuals?—As a class, I think.

13,263. How would you designate the class?—Treason-felony prisoners. I suppose the Irish treason-felony prisoners.

13,264. Are there any other treason-felony prisoners in convict prisons except these?—Some are from Wales, but I cannot speak positively. Some of those things came about to a great extent because of their being Irish prisoners; it was thought that this indulgence as regards writing might be allowed. I think writing was the chief thing. It came about in consequence of its being thought that they could not receive visits from their friends so often, and that therefore they might have more indulgence in the way of writing. That was the original reason of the thing being done, and I don't say it crept on gradually.

13,265. Has an extra indulgence in letters been the subject of correspondence with the directors?—Yes, I think they have all asked to have extra letters.

13,266. Can you state whether this indulgence has had a beneficial effect on their conduct in prison?—Oh, I think so, certainly. Certainly; I think that was what they were given for.

13,267. Has it not had the effect of making those who were very refractory before obedient and amenable to discipline?—I think it has.

13,268. (*Dr. Agnew.*) For how long a period did the rule of treating the treason-felony prisoners exactly as the other prisoners hold good?—I cannot say. I should say a very short time before something was

done, not in consideration of their being political prisoners at all, but for some reason or another, because they were Irishmen in English prisons, or something of that kind.

13,269. Were they so treated for the greater part of the time they have been in prison?—They have been treated differently in those matters for by far the greater part of the time they have been in prison.

13,270. I think you said that the principal concession was made under the letter of August last?—I do not know that I should call it the principal concession; it is the only one in which the principle has been carried out.

13,271. What motives influenced the prison authorities in not exacting work, or in treating the treason-felony prisoners exceptionally?—I believe that in regard to their not reporting them for not working hard, the idea was that it was better to avoid punishing them, because continual punishment had a bad effect on their health, and it was thought better of the two to overlook their not working hard, than to be continually having a struggle with them that would lead to their health being affected.

13,272. Has it been reported or made known to you in any way that their health had suffered in consequence of punishment?—Well, it is very difficult to say, unless I were to look through the reports of men who have undergone punishment. I do not at this moment recollect anything of the kind; but it must do so, if a man is perpetually put on low diet, and so on, he must somehow or other be affected.

13,273. Am I to understand that there is a general impression on your mind, that it was in consequence of deterioration of their health?—It was to prevent deterioration of their health that that particular one was allowed, to prevent deterioration.

13,274. Then it was solely an anticipatory action?—Yes.

13,275. Or was it based on what had been known previously with regard to these men?—I do not recollect at this moment any case of a man being reported as having suffered from punishment. I do not recollect it. There may have been. You will see from the medical history if there has been anything of the kind.

13,276. (*Mr. Dr. Dick.*) We find, Captain Du Cane, that in some if not all the prisons, the treason-felony convicts have been housed in cells of a different class from other prisoners?—Yes.

13,277. And we also find that at Woking and Chatham they are allowed a great deal more exercise than the other prisoners. Now, are you able to say whether these two indulgences were granted at the discretion of the governor or by order of the directors?—By order of the directors. They were located in those places because it was thought rather necessary to keep them secure. One treason-felony prisoner escaped in Ireland, I believe that was the reason partly, that they were sent over to England. Therefore we felt it incumbent on us to take particular care that these men should not escape, and they have not.

13,278. I think one of them tried to escape, did he not?—Well, I don't say they all have that idea in their minds. Then as regards the extra exercise at Chatham, and I suppose at Woking, the same motive may be said to be the reason, they did not like to be employed out of doors on the works with other men; that led to their being employed in-doors, and then it was thought better that they should have a little more exercise.

13,279. (*Chairman.*) With whom would it rest to make the necessary regulations and arrangements for the transmission of the prisoners from Mountjoy prison to the English prisons?—It was concerted between our department and the Irish convict department.

13,280. Which department would officially have charge of them?—We sent over for them.

13,281. You sent over for them?—Yes, we received them I believe at Kingstown, I am not quite

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sure. There have been two or three batches. Some I know were sent over in a gun boat to Portland. Those that came over to Portsmouth first, I believe we sent as far as Kingstown for them; but it might have been to Holyhead only. There have been several batches brought over. The passage was all done in one day.

13,282. We have it in evidence that they came wearing Montjoy flannels, that when they got to Portsmouth those flannels were taken off because they were Montjoy property, and that then they were supplied with the clothing of Portsmouth?—I have no doubt that they came in Montjoy clothing, because they came over in one day, and there was no place intermediate where they could change clothing.

13,283. Is it part of the duty of the board of directors, and, in point of fact, have they exercised the duty of drawing up regulations for all convict prisons in England?—Part of their duty is to draw up regulations under the approval of the Secretary of State.

13,284. Is there a body of printed regulations?—Yes.

13,285. They are framed, I presume, on Acts of Parliament?—They are framed under the authority of the Act of Parliament, but issued by the Secretary of State.

13,286. Can you give us the name of the Act?—There are several Acts of Parliament.

13,287. What is the last Act of Parliament under the authority of which those regulations would be framed?—There are two or three Acts of Parliament under which those are framed. I cannot quote them at this moment. There is what is called the Pentonville Act, the Millbank Act, and the Directors' Act.

13,288. Is there no general statute regulating the government of convict prisons?—No.

13,289. When you speak of a body of regulations would it be a body of regulations applicable to all the prisons, or a separate body of regulations for each prison?—There is a separate body for each prison; but they are practically identical. I think they are identical.

13,290. Do those regulations contain provisions defining and regulating the duties of each officer?—Yes, they do.

13,291. For instance, with regard to the power of the governor to inflict punishment?—Yes; they do regulate it.

13,292. Do they define the time for which he has legitimate authority to keep a man, say, in a dark cell?—Yes, they do.

13,293. It would be part of the duty of the director, I presume, at the periodical visits, to ascertain whether those regulations had been departed from?—Yes, it would.

13,294. Among other things, do those regulations contain provision for appeals on the part of the prisoner supposing he thinks that he is aggrieved by any officer of the prison?—Yes, I believe they do. Yes, the fifth direction says that "the director shall inquire of prisoners whether they have any complaint or application to make." Then there is a certain other one which says that "the governor shall listen patiently to, and respect their complaints or grievances."

13,295. To whom does that apply?—To all the officers.

13,296. Including the governor?—Including everybody.

13,297. Are you aware whether that is made known to the prisoners on their admission?—I have inquired into that since I was first examined, and I find that it is formally issued to them at Millbank; but I am quite sure that they know it throughout the prisons. To show that they knew it I sent you a return of the number of appeals and complaints made during the course of a certain period to show you how general the practice was.

13,298. Do you mean appeals to the Secretary of State or to the directors?—Appeals of all kind.

13,299. Is there any specific mention there of the power of appeal a prisoner would have by reference

to the Secretary of State?—I am not aware of any special rule.

13,300. Is it your opinion that any communication as to his possessing that right is made to a prisoner?—I believe that he is told that at Millbank also; but there is no order saying that he shall be told it; but the thing is known as well as a man knows his own existence almost.

13,301. But how does a man in a separate prison, who has been imprisoned for the first time, know it. He cannot learn it from conversation?—The absence of conversation in separate prisons I think is rather an assumption. They do manage somehow to communicate, but how any special information is conveyed to the mind, of course I could not say. All I can say is, that I think you could not ask a prisoner without his telling you that he knows it.

13,302. Should you see any objection connected with prison discipline in requiring that when a prisoner is first brought in, and the rules are read over to him, showing the discipline that he is to be subjected to, that he be told he may appeal to the director against the governor, and also that he may appeal to the Secretary of State?—No. I see no objection at all. I do not think any of those particular prisoners into whose cases you are now inquiring can say that they did not know they could appeal.

13,303. With regard to the right of memorialising the Secretary of State we have received somewhat conflicting statements from different authorities. Would you state what your own opinion is as to the limit and extent of that right, both as to appealing against the justice of a man's sentence, and also as to appealing on the ground of possible ill-treatment in prison?—I presume you refer to those there is a limit to his number of appeals?

13,304. Yes?—I should say that as regards his appealing against ill-treatment, there is no limit. He could appeal to the Secretary of State as often as he liked, until the Secretary of State gave orders that he should do so no longer.

13,305. Would the right of memorialising the Secretary of State be dependent on the direction of the governor or director?—He must ask the governor for leave to do so, in order that he may get paper and time and facilities for doing so; but the governor would have no right to suppress it. All that the governor can do in case of any appeal is to refer the case to the director. A man always exercises without question at all, the right of appealing—of petitioning as it is called—once; and no governor will refuse him the right of petitioning again in the course of a year. If he wants to appeal often than that the governor's duty—and he always I believe observes it—is to refer him to the director; the director ascertains whether there is any ground for his wanting to petition again in such a short time and decides accordingly.

13,306. Supposing we have been told that in the event of a man having petitioned once against the justice of his sentence, he would not be allowed to petition again in the course of the year, either on that ground or on the ground of ill-treatment in prison, is that correct?—No; there is no authority for that. Nobody can stop a petition except the director; that is to say, if a man wants to petition, the governor must refer the case to the director. The governor knows that the rule of once a year is applicable generally, and he must have told the man so, and he must then have been content with that.

13,307. But is the rule of once a year applicable to a complaint on a totally different ground? I will put a case?—I understand what you mean.

13,308. Supposing a man who petitions in the present month against the justice of his sentence, secures himself grossly ill-treated next month, would he be obliged to postpone his memorial eleven months?—No; there is no obligation to postpone it at all. He asks the governor for leave to petition. The governor says "You petitioned such and such a time; you must ask the director." Next time he comes before the director and asks him whether he will be allowed to petition.

The director will satisfy himself whether he has grounds, and will grant it if he has.

13,306. You conceive that it would be the duty of the director to grant it if he had any substantial grounds of complaint?—Certainly.

13,310. We were referred the other day at Millbank to a standing order of the year 1865, which prohibited the use of handcuffs, unless by medical advice. Is that order still in force?—Yes, it is; but practically the medical officers abrogate it; certainly at some of the prisons, if not at all.

13,311. You believe that order to be practically a dead letter at Millbank?—I am not quite sure. I believe it is practically a dead letter at both Millbank and Pentonville.

13,312. There is another standing order which we were referred to, issued the 1st of February of the present year, number 325, regulating the use of handcuffs?—Yes.

13,313. The gist of this standing order is that "a prisoner is not to be kept in irons by the governor for longer than 72 hours, without a written order of the director specifying the cause thereof, and the time during which the prisoner is to be kept in irons, and whether the handcuffs are to be placed in front or behind, which order shall be preserved by the governor as his warrant." Before this standing order came into operation what was the rule?—The same rule; that order is only a renewal of all the orders issued from time to time, with one or two provisions for recording the circumstances and making a more precise record of them.

13,314. Supposing that a prisoner is kept in irons for a longer period than 72 hours by the governor without a written order of the director, then he would have gone against the order?—There is the old order, (*Witness points out the order*) which is certainly beyond the memory of man.

13,315. (*Dr. Lush*.) What is the date of that book in your hand?—This particular book is dated 1836; but this is an order that has been certainly in force, I should say, 30 years. "In a case of absolute necessity he may put a prisoner in irons," not as a punishment, but only a restraint, "such irons, however, not to be continued on the offender for a longer period than 72 hours." There is one person in which it is 24 hours.

13,316. (*Mr. Brodick*.) I was about to ask you, was it not the case in Millbank before the standing order of the 1st of February of the present year, that the governor had no power to put a prisoner in irons more than 24 hours?—Yes, it was in Millbank, but no other prisons; in all other prisons it was 72 hours. That is an old order issued at the time Millbank was governed by commissioners. "Not to be continued on an offender for a longer period than 24 hours without a written order of the director specifying the cause thereof, and the time during which the prisoner is to be kept in irons, which order shall be preserved by the governor as his warrant."

13,317. Do I understand you to say that the rule laid down by the standing order of the 1st of February 1870, is practically the same rule as was in force before then?—The orders respecting the use of various means of punishment and restraint have been from time to time authorized by the Secretary of State, and are presented in this book.

13,318. It is I presume a consolidation of the old orders?—Yes.

13,319. (*Chairman*.) Is there not this difference, that the original order is in the affirmative, stating that the governor may do so and so, and that this consolidated form seems to be "the governor must not" do so and so?—Yes, there is that difference. One is that the prisoner "may be put in 72 hours," and the other that he "shall go to be put in longer than 72 hours."

13,320. In the consolidated form is there anything authorizing the governor to put the prisoner in irons less than 72 hours, except by implication?—Certainly.

13,321. Where do you find it in the consolidated form?—That he must not put him any longer.

13,322. Except by implication?—I should say the old order probably might be read to say that he must put him in 72 hours or not at all, but the new order would give power to put him in less.

13,323. It is the more technical?—The order is the same, that is, he may be put in irons, not to be continued longer than 72 hours. The object was to consolidate the whole together; and then there comes in a statement as to how he shall record the position of the handcuffs.

13,324. (*Dr. Greenwood*.) You stated that the Fenian prisoners did not like to work out of doors with the other prisoners, and that therefore they were put to work in doors?—No, they did not.

13,325. Is it usual to give prisoners a choice of work?—No, it is not.

13,326. Was it then a special indulgence shown to the Fenian prisoners?—Well, you might call it an indulgence, but it was thought better in all respects that that kind of question should not be allowed to irritate them if it arose. We have power to employ the men as we like, according to the interests of the service.

13,327. Still it appears from your answer given some time ago that this change of work was made because they did not like to work out of doors; therefore you would say that their feelings were consulted?—Their feelings were consulted.

13,328. Is there any provision in any Act of Parliament which gives a prisoner the power of appeal to the Secretary of State?—I do not know that there is.

13,329. It is a concession that has sprung up in the course of time?—It is a custom. I suppose every subject has the power of appeal to Her Majesty, and the Secretary of State is Her Majesty's organ. I suppose that is the theory of petitioning.

13,330. When a prisoner is put in handcuffs 72 hours, does it mean 72 consecutive hours?—I believe the governor would be justified in keeping a man in, without breach of orders, for 72 consecutive hours.

13,331. If the continuity of the 72 hours is broken by removing the handcuffs at night, would it be right to keep a prisoner in handcuffs longer than three days without a break order?—I do not think it would; but I think that if the question was referred to me to investigate a case of that kind, and if I found that the governor had kept the prisoner in more than three days, I should say he had not gone beyond the letter of his instructions; but I should say he had much better have reported at the end of three days so if the ironing had been consecutive, but there is no rule preventing him.

13,332. Did I understand you to mean that when a man is put in handcuffs it is for 72 hours?—He is not put in handcuffs for 72 hours. There is no special time. You do not say when you are handcuffing a man "You are to be in handcuffs 72 hours," or at least it ought not to be so. The governor has power to keep him in during that length of time, but he cannot sentence him as I understand to a certain period of handcuffs.

13,333. Then at the end of three days, whether the man were in handcuffs night and day, or only during the daytime, the governor ought no longer keep a prisoner in handcuffs without communicating with the board of directors?—He would not break any rule so long as the man had not been 72 hours consecutively in irons.

13,334. (*Mr. Brodick*.) But after that he would?—He would.

13,335. (*Dr. Greenwood*.) Then a governor may keep a prisoner in handcuffs every day for three months provided they are taken off at night?—He might, without breaking any written rule.

13,336. But would not that be breaking the spirit of the rules?—It would. I could not say he had broken a written rule, for the rule is usually regarded that it might be read the other way.

13,337. (*Mr. De Vere*.) Do I understand you rightly to say, Captain Du Cane, that when a prisoner has applied to the Director for permission to petition the Secretary of State, the director may prohibit his petitioning if on consideration he does not think the

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prisoner has sufficient grounds for a complaint?—He may prohibit it, but it rests entirely with him to say what grounds are sufficient, and he must decide each case as it comes.

13,338. I thought I understood you to say that when a prisoner petitioned the Secretary of State that petition is referred to the directors and that the directors then consider whether he has any grounds for making that complaint?—No; what I said is this, that if a man has petitioned once and wished to petition again before the expiration of a year, he has to ask leave of the director, and the director satisfies himself whether he ought to petition or not.

13,339. Then the director has to go into the merits of the complaint?—No; I do not know that. I can answer you better if you take a special case and inquire upon that. I should not myself go into the merits of a complaint at all. I can only tell you what I should do.

13,340. How would you as a director decide whether the prisoner's petition should be allowed to go forward or not, without going into the merits of the case?—I should not enter in the least into the merits of the case. If a man was to come to me and ask to petition, having petitioned a month before, I should say "what do you want to petition about?" If I found it was the usual thing, I should say "You must wait." If he said "I have been very ill-treated by the governor and can get no redress from you or from anybody else," I would say "Give him a sheet of paper and let him petition." I should not enter into the merits of what he wanted to petition about at all.

13,341. Then if you were not to enter into the merits of it, what is the use of referring it to you? would it not be better to let it go to the Secretary of State at once?—The petition when it is written must go to the board of directors in order that they may have an opportunity of making any statement that may be necessary with regard to what the prisoner says.

13,342. On what grounds can the board of directors refuse the transmission of a petition?—They have never refused to allow a petition to go forward. If the prisoner petitioned on something which was in the power of the directors, and if the directors thought it a proper thing to grant, they might grant it, and the man would be satisfied. But supposing a man petitioned against the governor or director or whatever it might be, that petition would be forwarded to the directors, and they would perhaps get any statement that they thought necessary to furnish the Secretary of State with proper information about it, and forward the whole thing together.

13,343. If a man had petitioned the Secretary of State against the medical officer, on the ground of his health being injured, or that he was improperly treated, would you object to his again petitioning in a month after, or to similar ill-treatment on the part of the medical officer, not referring to the same treatment but similar?—Well, I do not know. I think I should myself let it go on; I think so.

13,344. Does not this reference to the directors rather make them judges of the merits of a complaint which ought to go before the Secretary of State?—They may not go into the actual facts of the petition at all; all that they may go into is in a general way whether he ought to complain against the medical officer. That is all they know.

13,345. If they refuse it on the ground that he has petitioned before, is not that substantially going into the merits of his case, because it is assuming that because he has made an improper complaint once he might make it again?—This is all rather abstract, because it is not referring to any special case. I am answering under a disadvantage in a speculative state of things. I will give you freely and frankly my opinion on anything that has been done. I will tell you what I would do similarly.

13,346. I will not press the question any further, Captain Du Case. If the governor had imposed from as a measure of restraint, and that those men have been left on the 72 hours, would or would it not be in the governor's power at the close of the period to order the

restraint again, the second period of restraint having also a limit of 72 hours?—After having taken them off?

13,347. Yes; supposing he has taken them off one hour, could he not repeat the dose?—He might do so without breaking perhaps the letter of the rule, but not without breaking the spirit of the rule.

13,348. Then without breaking the letter of any existing rule, do you see any limit to the length of restraint in terms that the governor may impose?—Well, I should say if a governor did that kind of thing, it would come to the knowledge of the director, and that would be a practical limit. That is what the director is for: to see that those things are not exceeded.

13,349. I will only ask you whether you think the possibility of its coming to the knowledge of the director would be a sufficient safeguard?—I should say that if a man was restrained unduly in that kind of way, he would himself bring it to the notice of the director.

13,350. If it were to appear that such a case as this might arise, of a man being kept in irons for a continuous period of 34 or 35 days, with the exception of the hours being taken off at night, and that it had not been noticed by the director, would not that show that the safeguard that you allude to was not a sufficient one?—Well it might, but the particular case that you allude to was not under that circumstance; it was known to the director.

13,351. Was it made the subject of any animadversion by the director of the prison to the governor?—No, certainly not. I quite approve of that man having been kept on. I take it entirely on my responsibility as chairman. I take the responsibility on myself of approving of what Captain Powell did when he kept the man in restraint day by day.

13,352. (Dr. Lush.) Did you as a matter of fact know, in reference to this last question, when you tried O'Donovan Rossa on the last of July, that he had been in handcuffs?—I was aware. I forgot at this moment, but I think it is most likely that I knew he had been restrained in handcuffs very frequently, perhaps every day, since the time he had committed the assault.

13,353. Is there any record of his having been reported to you as director, that he was in handcuffs more than 72 hours?—I do not think it was ever reported to me that he was in handcuffs more than 72 hours before I tried him. I do not think it was.

13,354. If he was kept 10 days in handcuffs, with the exception of their being taken off at night, and that that had not been communicated to you, would the governor have exceeded the authority invested in him?—The letter of the authority, no; but I should say as I said before, that I think it would have been most prudent for him to take the three days as locked up night time when they were taken off.

13,355. But if three or four or five days exhausted the period of 72 hours, during which he could have been kept in handcuffs, whether during the whole period or for broken periods, and that the governor did not report it to you, would he or would he not have exceeded the authority vested in him by keeping him longer than 72 hours in irons?—If it was for broken periods I should say he might easily read the order as authorising him to do so, and not improperly.

13,356. In what way?—Because so long as he had not kept him 72 hours in irons he had not done so.

13,357. Suppose that the period of 72 hours had been exceeded in four, five or six days?—Seventy-two hours continuously," this says. He might take that to mean 72 continuous hours, and as long as he had not been 72 continuous hours he would have no necessity to report it.

13,358. If your interpretation is taken, does it not mean that a governor might keep a man continuously in handcuffs day after day?—Yes, it might.

13,359. Do you think that rule properly limits or defines the power of the governor in regard to the question of putting on handcuffs?—Well it might be proper to make a more precise rule, but it must be

understood that the governor is acting under great responsibility in keeping in order some very violent and unmanageable men, and I for one am not the man in favour of limiting them.

13,350. Nor I; but under proper restrictions?—I would have them record what they do, but I would let the governor on his own responsibility put a man in handcuffs every day, so long as he thought it necessary to do so.

13,351. Do you think he is not limited in the use of handcuffs by that order?—He is not limited in the use of handcuffs so long as a man wants restraint. He cannot put a man in irons when he does not want restraint; but when he does want restraint he is unlimited, so long as he does not go beyond 72 hours. Then he has to apply to the director.

13,352. Then you think that a man has not exceeded that order unless he puts a prisoner in handcuffs 72 hours consecutively?—No, I think not.

13,353. And you think that under that order he may handcuff him every day in the year?—Under this order, if a man is violent every day in the year the governor may handcuff him every day in the year. I hope they will never be deprived of that power.

13,354. Provided the handcuffing never exceeded 72 hours continuously?—Yes.

13,355. (*Chairman.*) In point of fact was any communication made by the governor, between the 17th of June and 1st of July when you went down, to you on the subject of the handcuffing of O'Donnovan Rossa?—I do not think any communication was addressed to me on the subject.

13,356. Or to the board?—No. I had charge of the prison at the time.

13,357. (*Dr. Ligon.*) Am I to understand by what you said with reference to the director's power in reference to appeal, that the director is the absolute judge, of a prisoner's claim to appeal, or not?—Yes, that is so; the propriety of his appealing, I would put it.

13,358. Yes, of his right to appeal. Suppose the director was himself involved in the complaint?—Well, you may say, "Suppose the Secretary of State was involved." Somebody or other must be the judge finally.

13,359. Admitted?—Very well; if the director was involved in a complaint, and he supposed that complaint, I should say that the director would be sailing very near the wind.

13,370. Would he be culpable?—He would be a very imprudent man, I think.

13,371. Do you think it would be better to put the right of appeal on some more definite footing than it is at present?—I do not think it can be. I think it is left to the discretion of the director. I think it is better to leave it as it is than have a written rule that would tie them anybody else. I am not for limiting anybody's responsibility; I would rather they took it and faced it.

13,372. Is there any rule to limit the discretion of the directors?—There is no written rule that I know of laying down the power of appeal at all, or regulating it.

13,373. You think the power of appeal exists under the common law rule?—That is a legal question. I do not know what rule it exists under at all.

13,374. (*Chairman.*) Captain De Caze, is there amongst those regulations any one which provides for a case in which on the complaint of a prisoner against a warder, the evidence of another prisoner, if tendered, would be received?—There are no rules on the subject. The director might take the evidence of a prisoner if he chooses to do so, but it is a very rare case in which it would be done.

13,375. Practically we have been told by the governors of many of the prisons, that they never take the evidence of a prisoner?—No; you almost might say so; but sometimes what a prisoner has got to say is got at and known, and valued at what it is worth; but generally, I may say, prisoners' evidence is not taken.

13,376. Do you think that any prejudicial consequences—

quences would follow to the discipline of convict prisons if the evidence of prisoners were taken questions asked?—As against a warder?

13,377. Yes.—I should say it would be most prejudicial.

13,378. For instance, it might happen that a second prisoner is the only witness?—Well, the directors might use their discretion in the matter. It is prejudicial. It is a thing to be avoided. The prisoner's evidence, of course, is more or less worthless against his officer.

13,379. It would require a very strict course of examination, but does it follow that it is absolutely worthless?—No; I would not say altogether worthless, but it is a very suspicious kind of evidence, I should think. I would rather do without it.

13,380. Is there any regulation which bears on the point of attendance in chapel when a prisoner is either in the infirmary or in punishment?—They do not attend chapel when they are either in the infirmary or undergoing punishment.

13,381. Is it consequent on the discretion of the governor of each prison, or in accordance with any regulation?—I cannot tell you without looking through the regulations, but it is a long standing custom. In the infirmary the minister goes in and does the service.

13,382. But in the case of Roman Catholic inmates, you are aware that their attendance in a consecrated chapel on particular occasions is a matter of obligation?—I do not see any reason why a man in the infirmary, if the medical officer chooses, should not go to chapel, but as a general rule, a man in the infirmary is not fit to go there.

13,383. But you do not put it on that consideration, that he is not fit to go about?—It is the same in the army or anywhere; a man in hospital is in hospital, and does not go anywhere else.

13,384. Though you think an exception might be made in favour of infirmary patients, you would not extend it to prisoners under punishment?—No.

13,385. Why?—Because it would break the punishment.

13,386. Giving an undue indulgence?—Yes.

13,387. Have you attached to your board any person in the nature of a medical inspector who supervises the mode of treatment in any way?—We have a man in the estimates for consulting a medical man on occasions, and we also have access, if necessary, to the medical officers of the different departments attached to the Home Office.

13,388. Have you frequently had occasion to employ a special medical inspector?—There have been occasions that a medical man has come in to consult. Sometimes a second opinion is desired, and a medical man would be called in to consult, and would be paid. I recollect a case in which another medical officer—one of the Home Office department—was called in to make a report with regard to prisons; but it is not very often that such things occur.

13,389. But as to the general question of the adequacy of medical care in any particular prison, would it be judged of by the director?—It would be judged of by the general statistics with regard to the prison, as to how the health of the prisoners appeared to be returned.

13,390. (*Dr. Greenwood.*) What qualifications are the medical officers in the convict service required to have?—I have been trying to institute an examination before they came in, but at present we have only been able to get them by recommendation from some person of responsibility.

13,391. Is there any technical qualification with regard to diplomas or licences that they are required to have?—They are supposed to have the ordinary medical degrees. I do not know that there is any rule on the subject. They are generally taken by recommendation of some responsible persons. That is the way the medical officers are generally obtained.

13,392. When do you call the responsible persons?—Well, I should say, the high medical officers of al

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the hospitals. Many of our men are army or navy surgeons.

13,393. A good many are not, latterly?—No; latterly they have not been.

13,394. Then do I understand you to say that latterly the medical officers in the convict service have been appointed chiefly in virtue of recommendations of officers of hospitals?—Yes, in virtue of recommendations by officers of hospitals.

13,395. In point of fact, some hospital surgeons or physicians known to some of the prison authorities, have been asked to recommend some persons?—Yes.

13,396. That is to say, that the patronage has been put into the hands of some private persons, and there is no public selection in the matter?—No public competition. When men apply, for instance, the last one I recollect was a man who, during the temporary absence of one of the surgeons, had been employed in the prison—a young local practitioner, and he asked for an appointment. The testimonials that he produced were very good ones, and he had been particularly recommended from the knowledge he displayed when doing that duty in prison, and, therefore, he was appointed to the service.

13,397. Who examines the testimonials?—I examine them.

13,398. With regard to what Lord Devon asked you just now, do you think it would be an advisable thing to have some officer connected with your board who would supervise the general medical regulations, not with regard to one prison, but all the prisons?—I should prefer having some man who was connected with the general medical profession, and to refer things to him, and not a man specially attached to the department. I would rather have some man of position and experience to whom I might be able to refer anything which required to be rectified; and it was with that view that this sum of money has been put on the estimates, to enable that to be done.

13,399. To refer to some proper persons in all cases of doubt and difficulty?—Yes. I would refer the medical statistics of the prisons to him, to see if he thought there was anything wrong.

13,400. (*Dr. Leeson.*) Are you aware that in some of the large prisons there are medical officers; in one instance, a gentleman without a surgical qualification, and in another a gentleman without a medical qualification?—I have ascertained that there are two of our assistant surgeons who have only got one qualification.

13,401. In point of fact, have you an assistant surgeon, or one holding that office technically, who is not a surgeon?—I say that I am aware there are two of our officers in the medical department who have only got one of the two qualifications that are held.

13,402. Do you not think that that is a matter that requires immediate attention?—Well, I suppose it would be better to lay down a rule; but what I proposed was that there should be a regular examination, which would be far better, I think, than a diploma.

13,403. In the absence of the principal medical officer does the whole charge of the prison devolve on the assistant surgeon?—Yes, the medical charge.

13,404. Medical and surgical?—Yes, everything connected with it.

13,405. Then might not some inconvenience arise in cases in which a gentleman not having a surgical qualification was in charge of the whole prison where accidents might occur?—He has always the power to call in a local practitioner. Of course the assistant surgeon if on service must always be, whatever examination he has passed, a man who must be able to get assistance if needed.

13,406. If he is a surgeon you have the responsibility of the college that passed him; but if he is not a surgeon I do not see how he can be called on to be responsible for broken legs or injuries of wounds.

13,407. (*Mr. De Vere.*) Are you aware whether some time ago at Millbank, on the recommendation of the visiting priest, permission was given to the infir-

mery patients to attend mass on Sunday?—I was not aware of that.

13,408. And that that permission had afterwards been withdrawn on grounds of discipline?—I was not aware of it. Can you tell me when it happened? I have no doubt that a reason could be found for it if it was done. I was not aware of it myself.

13,409. Could any more inconvenience in point of discipline arise from the association of prisoners from the infirmary during their religious service, than any other prisoners?—I do not see it at first sight, but if it has been done, before I give an opinion, I should like to hear all that has been said on the matter. That is what I should say. If I were to inquire into the matter as you are inquiring I should hear both sides.

13,410. Can there be more objection to allowing a slight degree of association between prisoners who are sick in the infirmary, than there is to allowing it between other prisoners?—I cannot fancy that that was the reason why they were prevented from going. I cannot tell what it was.

13,411. That was the reason stated to us?—By whom?

13,412. By the priest.—Oh, well, he may not have known all the case.

13,413. Well, with regard to depriving of their religious service persons who are under punishment, no doubt it would be a certain relaxation of punishment to allow them to go to chapel, but might it not have a very valuable moral effect on the prisoners?—Well, of course it is open to say that, but I should think that the exhortations and the advice of the priest by himself in the cell would do everything that every influence of that kind could do for a man.

13,414. Supposing a man was condemned to punishment in a refractory cell for a certain number of hours, and that a Sunday intervened, would it not be possible to allow him to attend religious service, and then to put in a number of hours at the end of the sentence that would compensate for the time he had been absent from the cell?—You might do that; but I think it would, to a certain extent, break the effect of the punishment. It is the continuousness of the punishment that tells on a man. If it is broken, he is to a certain extent deprived of its effect.

13,415. (*Dr. Leeson.*) Does the visiting priest or the chaplain visit prisoners in the dark cells?—They visit all the prisoners. I cannot answer that question. They should daily visit all prisoners in separate confinement.

13,416. Are you aware of any facilities afforded in prisons elsewhere, by a cellular arrangement for prisoners under punishment, of attending their religious worship without seeing each other?—The whole of the chapel at Pentonville was some time ago divided into cells for the purpose of preventing them from communicating, but it did not have the effect.

13,417. Do you see any practical objection to the introduction of a cellular arrangement in chapel for prisoners under punishment?—I think taking them out of the cells and walking them to chapel, whether they were in separate cells or not, would interfere with the punishment.

13,418. But has not attendance at religious worship a very powerful influence on a man?—So it has, and a man during the rest of the year when he is not under prison punishment has the benefit of it. If it does not do him any good in the rest of the year, I do not know why you should set such value on what it would do those particular days on which he is under punishment.

13,419. You do not know the moment when religion would speak to a man's heart?—Certainly not.

13,420. Are you aware of the size and position of the dark cells at Millbank?—Yes, I have seen them not very long ago.

13,421. Are you aware that they are under the level of the ground?—Yes, they are not at all good places.

13,422. Are you aware that the beds are placed along the shorter walls, which are only 6 feet 4 inches in length?—No; I am not aware of that.

13,423. (Mr. Brodick.) Is not confinement in dark cells, as well as handcuffing, regarded as a measure of restraint and not as punishment?—Well, confinement in a dark cell is a punishment, but you might put a man in a dark cell as a matter of restraint in fact; but I should say it was a punishment.

13,424. I understand you to regard the power of handcuffing as a necessary instrument of prison discipline?—Certainly; security I would say.

13,425. Do you consider confining a prisoner in a dark cell as distinct from a light cell, a necessary instrument of prison discipline?—Yes, I think it is. It is not one that I like or should use often, nor is it, I believe, used often; but it has an effect.

13,426. Now, if it is to be regarded more or less as a punishment, and indeed whether it be regarded as a punishment or as a matter of restraint, do you think that it may be inflicted without a prisoner having the means of saying anything for himself, and on the mere report of a warder?—Well, the governor must satisfy himself that he does it for some reason. Do you mean that the governor should have the prisoner formally before him?

13,427. I do.—Well, the governor on his own responsibility, when he inflicts it, must satisfy himself that he inflicts it on proper grounds.

13,428. We have it in evidence that it is possible for a man to be taken off to a dark cell on a report from warder A, founded on information from warder B, who never appears before the governor at all; and we have even received a statement from one prisoner that he has been taken to the dark cells at the mere discretion of a warder. I am anxious to take your opinion on those cases?—Whether if the governor put a man in a dark cell, when a warder told him that another warder had reported something—the governor was right?

13,429. I presume the second case need hardly be discussed, and that it is clear no warder has a right to take a man to the dark cells on his own responsibility?—No. It is very difficult to answer in an abstract way. I am most desirous of telling you everything I think. I must suppose a case. Supposing a prisoner is turbulent, riotous in his cell; that he is under punishment; the warder is special charge of that man and of his line of cells may go to the principal warder of that block and say to him "Here is this man making a most tremendous row, breaking everything in his cell; I think it is better to report him to the governor." The principal warder might go to the governor and tell him that story. The governor, believing from his experience of that particular man, that it was likely enough, might say "He must be put in a dark cell."

13,430. Is there any other previous punishment but dark cells which can be inflicted?—He could not be taken away from his punishment at all and put into the dark cell in that way; but being under punishment he may be removed to the dark cell from a light cell by the governor's authority, the governor thinking that the evidence was sufficient.

13,431. (Chairman.) It has been stated to me, on the subject of suppressing letters, that one cause for which letters were suppressed—whether those sent out or those received—is that they contain reference to the health of the prisoner. Is that so?—False statements not true statements of the health of the prisoner.

13,432. Supposing that a man when writing a letter was to say that he had a bad cough for the last fortnight, and that the doctor gave him such and such medicines, would that be a reason for the suppression of that letter?—No; I think not.

13,433. The impression derived from the evidence is, that any mention whatsoever of the state of health of the prisoner is a cause of suppression?—No.

13,434. (Mr. Brodick.) Health is not a forbidden subject in prison letters?—No; certainly not, so long as it is true; there is no authority for it. Even un-

truthful statements are sometimes sent out, with a certificate.

13,435. (Chairman.) The following has been stated to us by Mr. Pagin. He was asked: "What are the 'sketches of things' that are objectionable in letters 'going out'?" His answer was, "All prison treatment; all reference to prison officers; and until a recent decision of the Secretary of State, the state of his health would have been; and that was held down by Sir George Grey, because it involved great trouble to the Home Office, in consequence of 'prisoners' friends constantly referring to the Home Office about their health." Question. "Who is the judge of the fact that the prisoners' letter is well-founded or not?" Answer. "I suppose the director would be, because he may be asked to produce the letter." By that it would appear that up to a certain date all mention of health would have led to suppression of the letter?—I was not aware of that.

13,436. If a certain recent change has been made on the subject you are not aware of the change?—No; it is possible; I suppose it was not.

13,437. Supposing, Captain Du Cane, that the letter contained a statement as to his treatment in prison, and that such statement was not proved to the governor to be untrue, but on the contrary seemed to have been well founded, would it be allowed to go out?—A letter to his friends?

13,438. Yes.—A letter to his friends must refer to nothing about his treatment inside prison.

13,439. Would a letter written to him, asking about his treatment, or mentioning reports abroad about his treatment, be permitted to go through?—That would be a subject for discussion. It would depend on what they were.

13,440. In the case of a letter being suppressed, whether it is written to or from prison, is it not a matter of regulation, or, at any rate, a matter of usage, that the prisoner should be informed as promptly as possible that such a letter had been suppressed?—He is always informed that his letter has been suppressed.

13,441. Is it a matter of regulation, or of usage at least, that he should be informed at the earliest period practicable?—Well, I think so. The question has never occurred to me.

13,442. (Mr. Brodick.) I have here before me a statement in the case of one of the prisoners at Woking. The following note was made, I presume, in the books, from which he has been furnished with extracts according to his application. The note referring to his first application respecting an answer to his letters is "Was suppressed by the director; the prisoner not to be informed"?—I do not know the specific case.

13,443. You would regard that as an exception?—There may have been some reason for it, or he would not have given that special direction.

13,444. The general rule is that the prisoner should be informed?—When he is allowed to write a letter, if that letter is not sent he is informed.

13,445. This relates to a letter which had been received for the prisoner?—Oh, I cannot undertake to say that when letters are received they are always told. No, I would not undertake to say that; because they are only allowed to receive a certain number of letters. I suppose that if more than the proper number were written they would simply not be given to him. I will not say that they are always told it.

13,446. If news were contained in such a letter which it was important for the prisoner to know, such as the death of his wife, he would be told?—He would be told.

13,447. (Chairman.) With regard to the mode of searching prisoners, is it matter of regulation from the central department, or is the mode of carrying it out—say naked searching—regulated by the governor of each prison?—It is regulated by the governor's responsibility.

13,448. Is there any rule of the directors that there should be naked searching periodically?—Yes, there has been some order, not very long since, I think.

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There is an order issued, number 814, on the 15th of January 1869. It does not use the word "naked."

13,449. What is the word?—Personally. It is a matter in which the directors never like to interfere too much with the responsibility of the governors; they leave to the governors the responsibility of making the search thorough.

13,450. What are the words of that order?—
"All prisoners on reception and on removal for whatever cause may be searched personally, and have their clothes thoroughly examined; this may be done when the prisoner is bathing."

13,451. There is nothing that provides a man should be searched once a month?—That is the custom I think; but it is referred to here. "And in addition to the search on parade, the governor shall every day order one or more parties to be kept back and marched off to be searched minutely, so that anything concealed on the person or in the clothes may be discovered."

13,452. (Dr. Greenhow.) If an ordinary prisoner had committed the assault House 454, what would have been done?—He would have been flogged. If any other prisoner had done what House has done he might have been flogged a dozen times.

13,453. (Mr. Broadrick.) Has there, to your knowledge, been any marked deterioration in the health of prisoners since the alteration of diet in the year 1864?—It was supposed at one time that the prisoners would suffer; in fact the prisoners at Chatham were supposed to have fallen off in health. A committee was appointed to consider the question of their food, and they made a recommendation which resulted in the Chatham diet being increased. But since that time the health of the prisoners appears to be, by the return of deaths, much about the same as it was before. I think I made a return to that effect; at all events I have got it.

13,454. (Dr. Greenhow.) Do you mean much the same as it was before the reduction of the diet?—Yes.

13,455. That is to say, that the mortality increased during the reduction of diet?—Yes.

13,456. And after the diet was increased the mortality decreased?—Yes.

13,457. That is quite clear?—The two events are connected in point of time, but I do not mean to say that they are connected as cause and effect.

13,458. Have you any opinion with regard to the work at Chatham, whether the prisoners fall off in health at the work?—As far as my judgment of other prisons goes, I think they look very healthy. The medical officer, I believe, was satisfied that they did not suffer.

13,459. Has the medical officer there made any representation that the diet was insufficient?—I think that when it was first established he did not think it enough; but in the course of time it has been increased.

13,460. Since the increase he has expressed no opinion adverse to the diet?—I think not. There is nothing in his report this year.

13,461. (Mr. Broadrick.) Is there anything in your knowledge which would make it more necessary to have a more liberal diet for Chatham?—I do not think so. I do not see any reason for it. It is supposed the place is to a certain extent in a debilitated position, but as regards the work I do not see that there is any reason.

13,462. (Mr. De Vere.) Did you send down a committee to report on the dietary at Portland about the same time that they recommended the small increase at Chatham?—I do not think they went to Portland. The mortality which called attention to it was at Chatham, and therefore the inquiry was limited to Chatham.

13,463. Are you prepared to say whether any medical authorities recommended that the same increase as that given to Chatham should also be given to Portland?—I am not prepared to say that. The whole of the present diet was recommended by a very skilled board of medical men, and the subsequent board was,

I think I may say, not composed of such skilled persons as the first. I should consider the opinion of the first board as being a strong one.

13,464. But it was the decision of the first board which was followed by the increase of mortality in Chatham?—Followed in point of time by increased mortality; but I do not myself connect the two as cause and effect.

13,465. (Chairman.) May we consider that the statements given as to the rates of mortality in the different prisons in the reports for 1869, are the latest facts which have been brought to your notice on the subject?—I am not quite sure what I have given you. The report for 1869 is not published yet, but I have got now the report which was in fact based yesterday. That is the latest. I have given you the medical reports for this year in proof.

13,466. Can you supply us with the last authentic statement as to the rate of mortality for say three or four years?—Yes, I put it into the report for this last year for the last 10 or 15 years I think, I will send you the blue book.

13,467. Would you be kind enough at the same time to supply us with a return of the Acts of Parliament on which the constitution and mode of government of convict prisons, and your powers as directors depend?—I will do so.

13,468. (Dr. Lyons.) Captain De Cane, we have a good deal of evidence before us with regard to the punishments and privileges which prisoners are exposed to or entitled to; but I think it would be satisfactory to the Commission if you would be good enough to give us in a return of the punishments that are legally permitted, and the privileges, inducements, or rewards, that are in any way held out to prisoners?—The punishments will all be found in this book of rules; the inducements and rewards will be found in the regulations for marks and qualification.

13,469. Would you kindly get one of your people to extract them for us, as you are more familiar with these matters?—Yes, I will do so.

13,470. (Mr. Broadrick.) Is it not rather a serious piece of work?—It is a printed paper. The punishments are simply laid down in a general way in the Acts of Parliament.

13,471. (Dr. Lyons.) Have you satisfied yourself as to the effects of certain punishments, such as dark cells and the use of bread and water, or do you merely rest on what you have found in practice? Have you given any special attention to the consideration of the question of these two punishments?—I have by inquiry from those who have seen people under the effects of them.

13,472. Is it your opinion that on the whole they are successful in the object intended?—Certainly they are in most cases. Some prisoners are affected by different punishments, some by others.

13,473. But on the whole are you disposed to think that they are continually necessary, or that they would admit of any modification, having regard to the due safety of the prisoners?—I cannot think it would be possible to do without them unless something else was substituted, and I do not see what that something else can be.

13,474. Are you aware that both these measures of discipline and punishment are a good deal abandoned elsewhere?—I did not know that they were abandoned. I know that there are many persons that object to them.

13,475. That they are to a certain extent in some instances wholly abandoned, and in others very little used elsewhere?—I did not know that they were. In this country we are very much tied down by the feeling of the public with regard to what is called "torturing prisoners." There are a number of things which one might do which the public would object to being done, because it would be thought torturing. Therefore we are thrown back on this one or two punishments which I am quite ready to admit have some objections.

13,476. Do you think, on profound consideration and on theoretical grounds, that they are really useful

no means of coercing a refractory spirit?—I think they are. I think they take the refractory spirit out of a man.

13,477. Have you not found very notable instances in which they failed, and in which another mode of action very wisely and very successfully put in operation by yourself for instance in one case, had more effect than continuous dark cells, bread-and-water, and iron?—Certainly they do fail; all modes of punishment fail, even hanging sometimes.

13,478. Do you not think that the time has come when those two modes of punishment might be considered from a profound point of view, as to their admirability and as to their efficacy, and the possibility of substituting some other more rational and more humane mode of dealing with refractory spirits?—I should be very glad to have any other mode of punishing or taming refractory spirits, to be able to enforce any other mode; but whether we could entirely do away with those is a matter which I am not prepared to assert to.

13,479. Do you think the question is in that position in which it would be well to reconsider the whole subject?—I have never heard any general statement, founded on observation, which leads me to suppose that any great general evil comes from it. There are certain cases in which all modes of punishment fail, and one wants perhaps more variety.

13,480. Have they not most conspicuously failed where they were most continued, generally speaking?—I should not be prepared to say that. They have done so in some cases.

13,481. In some notable instances where they were long continued have they not failed?—Yes. I may say that in educated prisoners, who do not care so much about food as others, the question of depriving of food is not always very efficacious.

13,482. Have you looked at the deprivation of food yourself as to its efficacy; as to the results of it in producing what is expected of it, a power of coercion on the human will?—I know that a man who is put under that kind of punishment very often mends his ways.

13,483. Would you be surprised to hear that in abstinence from food, the sensation of hunger very often ceases at an early period?—Yes, I am told that it does.

13,484. And that it is succeeded by languor and weakness?—I dare say that it might do so. Yes, I should think most probably it would.

13,485. Do you not think that it would be well to submit this question of bread-and-water diet to medical authority for reconsideration?—I should be very glad to have any medical opinion, or any medical investigation of the matter that can be given; but they must be prepared to substitute something better.

13,486. Have you known any ill results to follow from the prolonged use of penitential diet?—Any deprivation of food, I should say, would to a certain extent weaken a man, but I do not recollect any special instance of penitential diet affecting a man specially. I have no recollection or knowledge of any special instance, I suppose it must do so. Every deprivation of food must more or less affect a man.

13,487. Do you think that with regard to the permission of letters to wards and outwards, without any serious ill result to the prison system of discipline, a relaxation of the rules now in force could be made?—I think the privilege of letters is one of those very few things which we are able to use as inducements to good behavior, and I think that any relaxation of it will deprive us of that advantage.

13,488. Are you not punishing the innocent as well as the guilty?—We have got them all in because they are all guilty.

13,489. I mean indirectly, are you not punishing the innocent friends outside, and inflicting a serious loss on the innocent friends outside, by withholding the privilege from the prisoner inside to communicate with his friends?—It is a part of the punishment; keeping him in prison at all is a serious evil perhaps to

the friends outside. The friends unfortunately must suffer for the sins of their friend.

13,490. But his presence is considered harmful to society outside, and therefore he is kept in. Therefore that is a different question?—He is to be punished.

13,491. Would you see any objection to a form of letter being introduced which would be in the shortest and briefest terms, part of which might be in printed form, by which a prisoner would be allowed monthly to communicate to his relatives, in the first degree, his father, mother, wife, children, brothers, and sisters, the fact of his being still in existence, accompanied with a note in the margin certifying officially the state of his health; not such a letter as would enable him to indulge in gossip with his friends?—A mere certificate of his existence, signed by himself. I do not see any objection, so far as the discipline of the prison goes, to it.

13,492. A prisoner in many instances, if not in all, cannot receive portions of money?—They all earn something, unless they are badly behaved, and forfeit it.

13,493. The postage of such letters outward might be deducted from the earnings, and would not cost the State anything?—I do not think the postage ought to affect the question at all.

13,494. We have it in evidence that some prisoners were a long time in prison before their friends were able to ascertain how or where they were, or the state of their health?—A man is able to write a letter on reception at each prison.

13,495. Is it not the case that a very long time may elapse before a prisoner is allowed to write a reply to a letter, if he be put under punishment?—A second letter, was it?

13,496. It was stated in evidence I think before us, that two years and three months had elapsed?—Certainly if a man has been ill-conducted he may forfeit the privilege of writing for the whole period of his imprisonment, and that shows how far letter writing is a privilege. A man has got the power of writing at certain times, if only he will behave decently.

13,497. But those times, even if he behaves in the best possible manner, are very remote under the present regulations?—They vary with the class a man is in. They are remote for a man who is in the habit of corresponding frequently.

13,498. Would you see any objection to a similar brief letter of any form, the prison authorities choose to prescribe being brought in monthly, so as to inform the prisoner of the state of health of his relations in the first degree, containing no news, but merely conveying that information, which every man with human feelings may be fairly considered to be entitled to, as to the existence of his wife and children?—That practically is done in the negative way, that if anything is wrong it is always told him. If a man's near relations are seriously ill or dying, or anything of that kind of importance happens to them, if a letter is written to him, whether he is entitled to it by the rules or not, that fact would be communicated to him.

13,499. We have in evidence that a prisoner was for a very lengthened period without knowing how his wife was?—Well, I suppose there was nothing the matter with the wife of that prisoner. If the prisoner was ill-conducted he was not entitled to a letter.

13,500. However ill-conducted, do you see any objection to his receiving, in however brief a form, and however restricted, a letter from his wife or his immediate relatives in the first degree of relationship, announcing the fact of their existence and their state of health?—I do not know that I see any objection to it, but I think practically it is done now, because the existence is assumed unless the death is reported.

13,501. We have it, however, in evidence that more than one prisoner have been a very long time in doubt as to the state of health of near relatives, I believe extending in some instances to many months?—Because the near relative of the prisoner was perfectly well.

Capt. De Cress.
1 Aug. 1878.

Capt. De Cress.

11 Aug. 1872.

13,508. No, in one of the instances, at all events, the near relative was not?—Did that near relative write, or did anybody on behalf of the relative write and say there was any illness?

13,509. When the evidence is fully pointed we can go into the details of it. I am not in a position to go into the notes?—If any illness or death, or anything important occurs, he is told of it; if he is not told of it he must assume that there is nothing wrong.

13,510. If a letter towards is suppressed, would there be any objection to state the fact to the prisoner, with the date of the letter, and the name of the writer?—Well, I think there might be in some cases.

13,511. I am speaking now of persons within the first degree of relationship, and put out of view all gossiping and letters of a political character?—That is the other question in another form, I think; should he have letters of a certain kind.

13,512. Suppose a letter arrived from a man's mother in America, and contained political matter, would there be any objection to inform him at once that a letter had arrived from his mother, and that it was suppressed?—Well, if he was entitled to a letter and that it was suppressed because there was something wrong in it, he would be told so.

13,513. But you are not quite sure of that. We have it in evidence that there has been at all events very considerable delay, extending to ten months in one instance?—I should like to know the special case that I could tell you all about it. I should inquire and give you my idea as to the rights of the case. I look on the question of letters as a privilege, a valuable privilege by which we get a certain power over the prisoners; this is to say, that by holding out to them certain hopes and privileges we avoid the necessity of punishing them. If a man is so anxious to communicate with his friends as to feel it deeply, all he has to do is to conform to the orders and rules. If he cannot do that, I should say it rests on his own responsibility.

13,514. But I think you stated you would see no disciplinary objection to the passage, outwardly at all events, of something in the shape of a certificate of his existence and health signed by himself?—I think it almost a superfluity, because the law is supposed to protect a man's existence, and so on.

13,515. (Mr. Broadbent.) I presume that in case of a prisoner's death the fact would be communicated?—Certainly, or his serious illness.

13,516. (Dr. Lyons.) Is the principle of the civil death of a prisoner still held to, with regard to the prisoners in your department?—In what respect may I ask?

13,517. Well, as to his power in any way of passing property or dealing with property?—No, it is not. Under certain circumstances, by the Secretary of State's authority, he is allowed to execute deeds, and so on.

13,518. I believe it is a part of the prison system that prisoners may earn a certain amount during their prison life?—Yes.

13,519. The limit of that amount has been stated to us to be 3*l.*?—Yes; 6*l.* in certain cases.

13,520. Does it go to 6*l.* in certain cases?—Yes.

13,521. Can you inform us what the principle is on which the limit of 3*l.* or 6*l.* is based?—The principle was that they should have as little as possible consistent with their being able to start themselves on their going out of prison; something to keep them whilst they were looking for work.

13,522. If it used as a mode of inducement to the prisoner to make him work, does it operate in that direction?—It is used as one of the elements of the system of classification; that is to say, a man in different classes earns a different rate according to his promotion to class.

13,523. Do you not think that there is a powerful principle in the fact that a prisoner can earn money, which might be carried even still further, if the system were more fully developed?—It has been tried very fully, and it was found that there were certain evils

connected with it. When a man got out into the world and had acquired a large sum, it created a certain amount of scandal that a man who had committed a crime should possess a sum which no man of his class would have in his possession if he had not committed a crime. You will find a great deal about it in the Penal Servitude Committee report in '53 or '54, and it was in consequence of their report that the amount of the earnings was limited to 3*l.*

13,524. Do you consider the subject to have been exhausted by the experience the prison department had of it at the time?—I do.

13,525. If a prisoner expeditiously completes the taskwork prescribed to him, and then reads a book, is there any moral or prison guilt involved in it? A particular case has come before us in which a prisoner was reported in consequence of being found reading a book within working hours. He states that he had finished his proper amount of work; but for the offence of reading the book, I believe I am right in saying that he got two days' bread and water. Would you regard it as a breach of prison discipline if a man performs his allotted task? One man would work more expeditiously than another, and it is not a good thing in principle to induce men to work in a slow, listlessly, and negligent manner; and if a man completes his allotted task within the period of time allotted to it, is there anything wrong in his reading a book afterwards? It was stated in explanation by the governor that the prisoner was bound, if he had completed his work, to put on his stick as a signal to the officers, and to ask for more work, instead of doing which he took a book to read?—I should say that whilst working hours existed he was bound to work. If the governor had set him a task which did not take him enough he ought to have asked for more.

13,526. But is there not a calculated amount of work that a man is expected to do within a given time?—He is expected to employ himself within working hours at work.

13,527. Is there not a specified amount of work for him to perform?—There is a specified minimum in some cases.

13,528. In this particular case it was three pounds of oakum he was to pick?—During working hours I should expect a man to work, not to read. If he was tempted to read I would take the books out of his cell. I would not have him read when he ought to be working. He is not sent to prison to read.

13,529. But if he completes his work within the given time is there anything contrary to discipline in his reading for the remainder of the time?—I say that during working hours he ought to work. If he is so vigorous that he can do more work than ordinary people he must still work, according to my idea of propriety, during working hours.

13,530. If he can work faster than others, do you not see that that is an inducement to him to work more quickly?—I should not advocate the limitation of the task at all. I would rather, if I found that a man was so capable of working, set him a bigger task, though I should prefer not to do that. I think it would be better to make difficulties if you give each man a special task. I should have a minimum and expect him to do that minimum and to go on working during the whole of his working hours.

13,531. Is not that an inducement to idleness to a man who can work quickly?—We might regulate our minimum so that it does not have that effect.

13,532. Do you think it would not be possible to introduce something of a more individual rather than so highly routine a system as is in operation now?—It would be possible if you had a great number of trustworthy officers, each of whom could be entrusted to take charge of such prisoners. This system you advocate is like Mr. Macconachie's system, that each prisoner should have a certain amount of work given to him, and that he may do it in a greater or less number of hours.

13,533. (Dr. Greenwood.) If he does more than the

minimum is not the amount over that carried to his credit?—No, he gets no pay for work at all.

13,528. I thought he got value for extra work?—No, he gets marks according to industry, but there are no marks for special kinds of work. Six, or seven, or eight, are the number of marks given. If a man works very hard he gets the highest. If he is idle he gets absolutely deprived of some.

13,529. Then indirectly, industrious marks are earned by a prisoner?—Certainly.

13,530. (Chairman.) I understood you, Captain De Cane, in answer to Dr. Lyons, to say that you were not prepared to recommend the expediency of adopting a system of treatment under which more reference should be paid to the individual capability of each prisoner for work than exists at present?—I see difficulties in carrying it out.

13,531. Does it occur to you that there is any improvement that could be introduced in the present system of treating prisoners, under which greater attention should be paid to individual moral disposition than can be procured under the present system of general routine? Is there any point that occurs to you in which the special individual character of a prisoner could be fairly and usefully taken into account?—The prisoners are supposed by being separated, and by having opportunities of frequent intercourse with the minister of religion, to be able to have all proper moral influences brought on them. What more can be done I cannot see.

13,532. It does not occur to you that any additional means of influence could be obtained by a more careful classification according to character?—I should be very glad myself if I could see any way to do that, to classify the prisoners in regard to their antecedents. I have often thought of doing that, and I hope that some day a means of doing it will be found, but I do not see any way to it at present.

13,533. (Mr. De Foe.) Do you think that any modification of the present system could be introduced

that would have a tendency this way, that after a prisoner's commission there should be an investigation before certain high prison authorities as to the amount of moral degradation contained in the crime for which he is sentenced, and that part of that consideration should be the frequency of that offence, and that then the result should be, that if he was found guilty of an offence involving a less degree of moral degradation, that he should be taken away from the ordinary class of criminals and placed in a class of men situated like himself and otherwise dealt with in discipline and agencies of punishment?—I think a question of that kind is not one which prison authorities ought to have to deal with. It occurred to me that such should be done by the judge at his trial. The prison authorities, I think, ought to have such a general system by which the judges may know what they are sentencing a man to, and that ought not to be subject to modification, according to my idea, by the prison authorities.

13,534. The question which I have just put to you was founded on what I believe was the practice in a great number of instances in several prisons in France. A second trial takes place within the prison itself, superintended by certain high prison officials, the director of the prison, the chaplain, and one or two others?—The director in France is a governor; the governor is called *directeur*.

13,535. Would it not be a great assistance to the directors of prisons in carrying out the sentence on a prisoner, if as you suggested the judge were to take into account the amount of moral degradation that was involved in the case, and that the directors of prisons should therefore be able to modify the discipline of the prison as affecting the peculiar character of the man?—I think there might be disadvantages in that; but in the same prison I should be very sorry to see different systems, I should send him to a different prison.

13,536. Probably that would be the best way to carry it out.

The witness withdrew.

MEMORANDUM.

A question was put to me at my last examination by the Treason-Felony Prisoners' Commission, as to the privilege having been accorded to the treason-felony prisoners, of wearing their hair longer than ordinary convicts; and a question was put at the same time, as to whether any such difference had been made in favour of prisoner Roupell, to which I replied that no such difference had been made.

I considered of course that this latter question referred to any distinction having been made in favour of Roupell personally, and particularly regarding him as an instance of a prisoner belonging to superior class of society, because he had been referred to in this manner the first time I appeared before the Commissioners.

In this sense no difference has been made in favour of Roupell, and no difference is made on account of a man's former station in life.

But there are cases in which a governor would be justified in allowing a little difference in such a matter, and I have ascertained since my examination that Roupell being employed in a situation of some little trust, for that reason (and so might be the case with any prisoner, and without any reference to his former station in life), has been given his employment in that situation, allowed to grow his hair a "moderate length."

Roupell has been now eight years in prison, and has never been reported for misconduct, but has on the contrary made himself especially useful on more than one occasion. He has therefore very properly been selected for his present employment. I believe about a year ago, and the governor is quite justified in according him a small indulgence of this nature.

I have thought it necessary to make this memorandum, or otherwise the Commissioners might think that the governor had departed from his duty.

E. F. DU CANE,
Chairman of Directors.

MEMORANDUM.

Referring to a question put to me when last examined by the Treason-Felony Commission, I have made inquiry respecting any order by Sir George Grey restricting prisoners from referring to their health when writing letters to their friends, and have been unable to trace any record of such an order.

The recent decision on this subject, which was referred to, was in the case of a false statement made by a prisoner respecting his health, which generally would not be allowed to be sent, but was allowed to be sent in the case in question.

Considerate on the subject of health or medical treatment as connected with his imprisonment, but all other subjects connected with his imprisonment, must be made to the Secretary of State by petition, and not by letter to a prisoner's friends. The accompanying letter lays down the course to be pursued in such cases.

E. F. DU CANE,
Chairman.

(Copy.) CIRCULAR.

Office of Directors of Convict Prisons,
45, Parliament Street, S.W.
5th June 1851.

In forwarding petitions from convicts to this Department, for the purpose of their being presented to the Secretary of State, whenever reference is made by a prisoner to the state of his health, to injuries received during his confinement, or any other subject in connection with his imprisonment, I have to request you will be good enough to submit such explanation as may be necessary in order to avoid the necessity of a further reference.

I am, &c.
(Signed) J. JAMES.
The Governors of Dartmoor, Millbank,
Penitentiary, Parkhurst, Portland, &c.

MR. ROBERT M. GOVER RECALLED.

Mr.
R. M. Gover.
11 Aug. 1870.

13,537. (*Chairman.*) Have you been kind enough since we saw you last, Dr. Gover, to prepare yourself, by possessing yourself of prison records, in reference to the medical cases of the treason-felony prisoners?—I have, my lord, such as I thought you would be likely to want.

13,538. (*Dr. Lyons.*) Have you any distinct personal recollection of the treason-felony prisoners who passed through your hands at Millbank?—Of many of them I have, but so many other prisoners have passed through my hands since then, that I cannot recollect some of them very distinctly.

13,539. Can you state to the Commission how many of the treason-felony prisoners were under your medical care?—Well, I should think that there were 20 or 25 of them perhaps. I should think 20 at least.

13,540. (*Chairman.*) Was O'Donovan Rossa one of them?—O'Donovan Rossa was under my care, not as an hospital patient, but as one of the complaining sick.

13,541. Ryan?—Ryan had a single dose I think of special medicine.

13,542. Edward Power?—I have had him in the hospital.

13,543. (*Dr. Lyons.*) Have you any distinct personal recollection of Edward Power?—A distinct personal recollection.

13,544. What was his state of health while he was under your care?—His general health was tolerably good.

13,545. What is the return that you find of the state of Edward Power's health when he came under your observation?—I saw a great deal more of him the second time than the first.

13,546. On the first occasion what was his state of health?—He was in tolerably good general health.

13,547. What was he under your care for on the first occasion?—I think for acne.

13,548. Acne of the face?—Of the face chiefly.

13,549. Was he cured of it?—He was very much better, not cured of it.

13,550. On the second occasion what state of health was he in?—On the second occasion he was in hospital in company with Richard Burke, and I saw him from day to day, from the 28th of March to the 21st of May this year. I have a note here of my examination of him on the first day: "He states that he occasionally experiences a peculiar thrill in the left side of the chest accompanied by numbness in the hands and fingers. He also suffers from pain above the clavicles. In other respects is tolerably good health. On careful auscultation I can discover nothing to account for the pains of which he complains. Bowels confined; appetite good; sleeps well." That is my note.

13,551. Were there any physical symptoms at the time?—None.

13,552. Had he any cough?—Very slight cough.

13,553. Was there any expectoration?—A slight expectoration of mucus.

13,554. Had he any other symptoms?—None whatever.

13,555. Had you any suspicion of phthisical symptoms?—Nothing except from his own complaints of pain, which led me to examine him carefully several times. I should have no suspicion from my own observation. I examined him carefully, and came to the conclusion that he had no disease of the lungs.

13,556. Why was he sent to Woking?—He was not removed for medical reasons. I believe those were other reasons for his removal from Millbank. He was in the first place removed from Portland to Woking, and I had nothing to do with the selection of the prison to which he was sent.

13,557. Was there any trace of hæmoptoe during the time that he was under your care?—I believe there was a very slight streaking of mucus which I thought came from the throat, because on examining his throat he had slight congestion of the fauces and

uvula, and I thought it was entirely due to some little congestion.

13,558. Have you any return as to his weight while he was under your care?—Yes, I have. He weighed 162 pounds on reception, and 164½ pounds on his removal. He lost half-a-pound in weight.

13,559. (*Dr. Greenless.*) On his first admission is Millbank what was his weight?—140 pounds.

13,560. Then he gained 21½ pounds between his first admission and his discharge?—Yes, sir. The 28th of March '70; he had gained 21½ pounds.

13,561. (*Dr. Lyons.*) Did you examine his heart?—Yes, I did.

13,562. Were there any symptoms of heart disease about him?—Nothing.

13,563. (*Chairman.*) How long was he at Millbank the second time?—From the 28th of March to the 21st of May of this year. That was the second time.

13,564. Thomas Bourke was with you?—Yes, I had him in hospital almost all the time he was in Millbank.

13,565. (*Dr. Lyons.*) What was the state of Thomas Bourke's health?—His general health was good. He had chronic synovitis of the left knee, which he attributed to his knee having fallen on him when in America. He fell off his horse and the horse fell on his knee. He was found, consequently, to have chronic synovitis of the left knee on arrival at Millbank, and he was a few days after admitted into hospital. That was on the 26th of July '67.

13,566. Was that what you treated him for?—Yes.

13,567. Was he treated for anything else?—Yes, he was treated for an affection of the scalp, which I thought was very much like furia, irritated by scratching; and I treated him for it.

13,568. Did it get well?—It got quite well.

13,569. Was he under treatment for anything else?—He was under treatment for nothing else, except just that he had perfect medicine. With that exception he was under treatment for nothing but the chronic synovitis of the knee; but he was in hospital several months altogether.

13,570. How long was he in hospital?—He was in hospital from the 26th of July 1867 to the 12th of February 1868.

13,571. Was he then sent to Woking?—Yes; he was then sent to Woking.

13,572. Was he sent to Woking on your recommendation?—He was. I am not quite certain as to the exact day, but it was in the month of February.

13,573. Did you apprehend permanent injury to his knee joint?—Yes, and before he left I got him supplied with a good elastic knee-cap as support for the knee. I had him measured expressly by a man from Ferguson's, and it suited him very well and was a great support to him.

13,574. (*Dr. Greenless.*) He was sent to Woking on the 6th of May 1868?—He was in hospital up to the time of his removal.

13,575. He was with you twice?—Yes; he was admitted into the prison a second time for a few days. I should have mentioned that his knee joint was reduced very much in circumference. It was very much improved by the treatment. He had iodine in various forms, both generally and locally, and Scott's emulsion, and various applications of that sort, and the circumference of the joint was very much less when he left than when he was received.

13,576. Was he able to walk when he came to Millbank?—Very barely indeed. He was much better able to walk when he left.

13,577. (*Chairman.*) Malady?—I do not think Malady was ever in hospital. He was in good general health, my lord; but I do not find that he was under treatment in Millbank at all.

13,578. (*Dr. Greenless.*) Did you examine Malady's chest?—I did, sir. I did not find anything the matter with his chest.

13,579. You examined his chest carefully?—I did.

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13,580. And you found no signs of phthisis?—I have no recollection of that at all.

13,581. (*Dr. Lyons.*) Have you a distinct recollection of making the examination?—Yes; I recollect his complaining to me. I do not always keep a record of the result of my examination. I do not think I did in that case make any record of it.

13,582. Are you sure that you made the examination?—I make an examination of every prisoner who complains.

13,583. Are you sure that you made an examination of him with a stethoscope?—I will not say so positively; but I am under a strong impression that I did so. I cannot say more than that.

13,584. Had he a cough while he was at Millbank?—No, he had no cough, if I recollect rightly.

13,585. I think that if you look at your notes you will see that he had?—I have a note here "D. D. Mulensky was in this prison from the 1st of December '66 to the 7th of February '67. His general health is stated to have been tolerably good. He does not appear to have been at any time in hospital while in this prison. On the 3rd of May '67, he was ordered *pill, diet, soup*, for a few nights. On the 24th he had a tooth extracted. On the 7th of February he was removed to Dartmoor by director's order."

13,586. Had you anything to do with his removal?—No, I had not. He did not go on medical grounds.

13,587. Were you consulted as to his removal?—I think not. He was removed irrespective of medical considerations.

13,588. Is Dartmoor an invalid prison?—Entirely so.

13,589. (*Dr. Greenhow.*) In the medical history it is stated, that "at Millbank he had occasional slight cough"?—Yes, so I find.

13,590. Having had occasional slight cough, do you feel quite convinced that you examined his chest?—I am quite convinced that any man complaining from cough would have been examined.

13,591. Is it your rule to make a physical examination of a patient if he has a cough?—Certainly.

13,592. Do you feel quite sure that if you had made an examination and found any sign of disease, you would have made a note of it?—I would.

13,593. And finding no note you are inclined to believe that this man was not phthisical?—Quite so.

13,594. (*Dr. Lyons.*) Do you personally recollect Mulensky even now?—I could not say that I recollect him.

13,595. If you were not consulted about his being sent to Dartmoor as an invalid prisoner, why was he sent there, on any say?—I should think he was sent there for reasons that the authorities had.

13,596. Are you generally consulted as to the transferring of prisoners to invalid prisons?—Generally, but still it frequently happens that a prisoner is removed by the director's order, irrespective of medical considerations, if he is fit to go.

13,597. Are you personally acquainted with Dartmoor prison yourself?—I have spent a very short time there.

13,598. Would you think it a good place for anyone with a phthisical tendency?—There has been some controversy so that point. I should not certainly send anyone suffering from advanced disease of the chest there. I think it possible that in incipient phthisis where the general health may be good, that residence at Dartmoor may not be injurious. It is not a place I should have selected for an invalid prison.

13,599. (*Chairman.*) But there are persons of authority who say that it is beneficial?—There are such. I am quite aware of that.

13,600. Were you medical officer at Dartmoor?—Never, my lord.

13,601. You only went there for a visit?—Only just for a visit. I went one day from Plymouth in the morning, and returned the same evening.

13,602. (*Dr. Lyons.*) Can you say that Mulensky had any hæmoptysis while he was under your charge?

—I would almost say he had not from my not having any record of it.

13,603. (*Dr. Greenhow.*) Have you any notes with reference to O'Connell?—I have. He was entered in the medical return book as having been in good general health on reception. On the 12th of June 1868 he complained of general debility. I ordered him steel and cod liver oil, exempted him from cleaning, and ordered him to take extra exercise. On the 18th of June 1868, hospital diet, with beef tea; then to return to prison diet. He was as usual in hospital.

13,604. Did he complain ever of palpitation of the heart?—I think he did, and of nervousness with debility.

13,605. How did the nervousness show itself?—He was tremulous.

13,606. Was he always tremulous?—I think he was always more or less tremulous. When spoken to I found such to be the case.

13,607. Did you make any special investigation of the cause of the tremor?—I spoke to him about it, and he attributed it to something that had taken place prior to his arrival at Millbank.

13,608. Did it amount to anything like *paralytic agues*?—No, it did not.

13,609. Was it *Asenaphic*, or wait on both sides?—It was the same on both sides. There was no *paralysis* at all.

13,610. You were aware that in *paralysis agitans* there is no *paralysis* of motion, but a mere shaking?—Just so, but it did not amount to that.

13,611. Did you examine the chest?—I am almost certain that I did.

13,612. Do you think that you examined the condition of the heart?—It is impossible for me to record every examination. I have so many prisoners to see.

13,613. Do you believe that you examined his heart?—I think so.

13,614. Had you done so, and found any disease, would you have made a note of it?—I would.

13,615. You would be able to tell, as a matter of certainty, if you had found any disease of the heart?—Yes.

13,616. And not finding any mention of such on your notes you believe that he was free from disease of the heart?—I do.

13,617. (*Dr. Lyons.*) Have you any record of the state of his pulse?—No, in the case of many in the hospital I do not note it.

13,618. You did not find it necessary to take him into hospital?—No, I exempted him from hard labour, and I placed him on hospital diet.

13,619. You have no recollection of having ever examined his pulse?—Oh, yes, I recollect examining his pulse several times; but I did not make any record of it.

13,620. Was it normal as to frequency?—It seemed to me to be accelerated slightly.

13,621. Is that your recollection of the second or third occasion on which you examined him?—I think it was generally accelerated, but it was not irregular or intermittent.

13,622. Do you remember him personally at all?—Yes, I do to some extent.

13,623. Have you any personal recollection of the impression on your mind as the result of your examination of him?—I distinctly recollect forming the opinion that he had been some way falling into a state of general debility without suffering from any local disease, and I thought that he required the change of diet.

13,624. What did you attribute the palpitation of the heart to?—I do not know that I found any palpitation of the heart. I found some acceleration of the pulse.

13,625. I thought you said that you did find palpitation?—No; the doctor asked me if I found any disease of the heart, and I replied that I did not.

13,626. Did he complain to you of palpitation of the heart on any occasion?—That I cannot recollect distinctly. It was in '67 I believe that this occurred. It

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in a long time to remember an individual point of this nature.

13,627. (*Dr. Greenhow.*) Were you aware that O'Connell was losing weight while he was at Millbank?—I should think from my putting him on hospital diet, that he was losing weight.

13,628. His weight on admission at Millbank was 137 pounds, on the 20th of May 1868. His weight is entered on the 15th of March 1869 as 124 pounds. Yet he never seems to have been in hospital, and your account is that he suffered from slight nervousness?—Yes. A large proportion of the prisoners lose in weight.

13,629. Do they?—Oh, yes, a large proportion. I could not admit them all into hospital. I should require a very large hospital for that.

13,630. You appear to have the power of putting prisoners on hospital diet who are not in hospital?—Yes, I have; but I do not recollect having exercised that power except in the case of this prisoner O'Connell and Patrick Lennon. If this man O'Connell had been an ordinary prisoner I should not have put him on hospital diet, but being a treason-felony prisoner I did exercise that power.

13,631. What was the distinction between the treason-felony prisoners and the other convicts?—The authorities treated all the treason-felony prisoners with greater care than the other prisoners.

13,632. Greater care or greater kindness?—I mean greater kindness and greater consideration.

13,633. Had you directions to do so?—No, I had none.

13,634. What was your reason for doing so?—I thought there were indications that the authorities wished them to be treated with more consideration. I cannot say what those indications were, but that was the impression produced on my mind, and the treason-felony prisoners who came under my care were treated certainly with greater consideration than other convicts.

13,635. (*Mr. Brodriek.*) Is it the rule in your experience that prisoners lose weight at Millbank?—Yes; I find that they lose weight now somewhat more than they did, the type of the prisoners has in my opinion changed, and owing to that change my impression is that the loss in weight is now somewhat greater than some years ago. I think about one third of the prisoners lose in weight, speaking roughly, that is to say, of the ordinary convicts.

13,636. Do any of them gain in weight?—Some of them gain in weight.

13,637. But a larger part loses than gains?—Perhaps about an equal number loses and gains, and many remain about stationary; but I should say that fully one third lose in weight.

13,638. Were you at Millbank before the year 1864?—Yes; I have been in Millbank since 1860.

13,639. Was there a change in the dietary made in '64?—There was.

13,640. Do you consider that that change in the dietary has been attended with any injury to the health of the prisoners?—No; I think the dietary is a better one than formerly; it is more varied, and that is, I think, a great thing in its favour.

13,641. You have not found any deterioration in the health of the prisoners in consequence of the introduction of the new diet?—No; not as the result of the new diet.

13,642. Have you found a great falling off in weight since the introduction of that dietary?—No; I do not think it has been much greater than in former times.

13,643. But you think that the loss in weight is increased of late?—Yes; I think that the last two or three years they have lost more than formerly; and I attribute that to a deterioration which has been going on in the physical condition of the prisoners received.

13,644. Comparing the beginning of the prisoners' confinement in Millbank with the end of it, do you find that more prisoners are on the sick list during the commencement of their imprisonment than, or

during the last part of their imprisonment; in other words, do you find that they appear to gain or lose in health during their imprisonment in Millbank?—I think that there is a general tendency to improve in health. Speaking generally, I think that there is a tendency to improvement, but with many exceptions.

13,645. You do not think the tendency is in the contrary direction?—I do not.

13,646. (*Mr. De Vere.*) Mr. Gore, have you the power of relieving a prisoner who is not in hospital from work?—I have.

13,647. An absolute power?—Oh, yes.

13,648. You can direct that he shall not be put to work?—Yes.

13,649. Do you frequently exercise that power?—Frequently. I exercise it for a time, but if the prisoner continues to be unfit for work I admit him into hospital. It would not be convenient to keep him out of hospital if not fit for work for any length of time, but I frequently exempt men from work for a few days.

13,650. Do you find that prison work affects more men of literary and sedentary habits than other prisoners?—No, I cannot say that. On the contrary, I have been surprised very much at the way in which such men have settled down to their condition.

13,651. The sort of work that you had the power of allowing, was the work carried on in Millbank under the separate system?—Yes.

13,652. Have you had any opportunity of judging how the work in the public works prisons affects them?—Yes, I was at Portsmouth myself two years before coming to Millbank.

13,653. What would be the result of your observation in that respect there, with regard to the effect of hard labour on men of educated and sedentary habits?—I do not know that I can recollect cases enough to form an opinion. I should be sorry to express an opinion without good grounds. I do not think my recollection would serve me enough.

13,654. You said that there has been a falling off in the health of the prisoners generally at Millbank, which you attributed to a change in the type of the prisoners received there?—Yes.

13,655. In what respect?—For some years back I have observed a general physical degeneration in the quality, a deterioration in the physical condition of the prisoners received from the county and borough gaols. They appear to have come from a lower class, physically speaking.

13,656. Your observations do not apply to their being men who do not belong to what is called the "criminal class" in this country?—It may be due to that. I have not, however, gone into the question as to whether these prisoners who have fallen off have belonged to the habitually criminal class, but I have noticed that the prisoners generally are not in such good physical condition on reception now as they were some years ago.

13,657. (*Dr. Greenhow.*) Do you think that it is all due to the fact of those prisoners having been frequently in county prisons before coming into the convict prisons?—I have not gone into that question.

13,658. Do you remember Patrick Lennon?—I remember him indistinctly, &c. If I had an opportunity of going round to the prisons and seeing these men, they would at once be brought to my mind. I examined him on reception, and found that he was free from organic disease, although I considered he had a phthisical tendency.

13,659. What led you to believe he had a phthisical tendency?—He seemed to be suffering from slight debility with acceleration of pulse, I do not remember that he had any cough, but he himself thought he was of a phthisical tendency.

13,660. You say he was free from organic disease. Do you mean to say that he was free from all organic chest disease?—Just so, I did not find any.

13,661. In stating that he was free from organic disease, you include the lungs and heart?—Oh, yes.

13,602. You have examined them of course?—I did, certainly.

13,603. You have no doubt on that matter?—I have no doubt of it at all.

13,604. (*Dr. Lyons.*) Did you give him to understand that he had disease of his right lung, or that there was anything wrong with his right or left lung?—No, I do not recollect.

13,605. Have you any recollection that your own attention was called more to the right than to the left lung?—No, I do not recollect anything of the sort. If he complained more of the right side, I should of course have particularly ascertained him on that side.

13,606. But you do not remember anything about his right lung, one way or the other?—No, I do not remember.

13,607. Would your memory serve you so far as to enable you to state that you think there was nothing the matter with his right lung at that time?—Not at that time. I can state that I then thought there was not, decidedly.

13,608. Have you any recollection of his suffering from expectoration and making complaints with regard to it?—No, I have none.

13,609. Or about his having any difficulty in regard to getting a spittoon?—No, I have no recollection at all of anything of the kind. There could be possibly no difficulty made if I ordered a spittoon. I never knew any difficulty, for I have only to order a new spittoon and he gets it.

13,610. He states that he went to the doctor and complained to him of spitting. He is asked, 'Did he examine you?' And he replied, 'No, sir.' He is asked, 'Where was that?' And he replies, 'In Millbank, sir.' He is asked, 'Did he examine your chest?' His answer is, 'No, sir. He asked him a fortnight before I was under Dr. Gower, would you sound my chest?' So he said, 'You don't want it'; so a fortnight after when I was inspected by Dr. Gower he changed my food, and I heard him say then that my right side was bad." That is his own statement?—(No reply.)

13,611. (*Dr. Lyons.*) Have you any recollection of that, Mr. Gayer?—No, I have no recollection of it.

13,612. Can you state positively that you did examine him with the stethoscope?—Yes, I recollect doing so.

13,613. (*Chairman.*) He says that?—He means the assistant surgeon.

13,614. He is afterwards asked, "When you were ordered medicines were you examined?" And he says, "No, sir; I brought the spittoon to him, and he looked at it and gave me the medicine. That was the doctor that would not give me the medicine before." "Was the medicine pills or a bottle?" "No, sir, I believe it was quinine; that was the only thing that ever did me good. I was taking it about three months, and then I was changed to cod." "Ever oil. I was getting that all the time I was in Millbank until I came here." Does that appear on your record?—Yes, my lord. I find that he was ordered a tonic mixture which he took with cod liver oil, up to within a short period of his removal to Dartmoor. In October I placed him on hospital diet.

13,615. (*Mr. Broadbent.*) Was he removed to Dartmoor by your desire?—I believe that he was.

13,616. (*Dr. Lyons.*) Have you any record of your recommendation to have him removed, or would you keep such a record?—No, sir; it would be done in this way. I keep a list of prisoners who would be due for removal at a certain date, and mark off on the form the prison to which they are to be sent. It would be impossible for me to make a record in each case on account of the large number of prisoners.

13,617. Have you any recollection of John McClure, or John Dewey?—I recollect John Dewey very well.

13,618. Had he any finding his while at Millbank?—I think not. I interfered with his punishment, I distinctly recollect. He was on penal-class diet and I

interfered and got him off the rest of the punishment.

13,619. On what grounds?—Well, I wished to prevent him taking any harm from punishment; not that he was suffering, but that I wished to prevent the possibility of injury to his constitution.

13,620. What apprehensions had you about his health that made you take him off the penal-class punishment?—I think it was on account of his being a treason-felony prisoner that I interfered in a way I should not in another case. It was the same with McClure; I took him also off punishment.

13,621. Have you any recollection of William Helphs?—Yes, I have.

13,622. What was his state of health?—Good.

13,623. Was he in hospital?—Never.

13,624. Did he get medicine while he was under your observation?—I think that he had a couple of pills, or something of that sort. Here is a note here that he was at no time under medical treatment.

13,625. Have you ever directed your attention specially to the condition of the dark cells in B3B bank?—I have.

13,626. Are you aware that they are a considerable part underground?—I am.

13,627. Do you consider that position a good one?—Well, I should not consider it a good one if occupied for any great length of time, but being only required for 24 or 48 hours, I have not found it to be injurious.

13,628. Do you think that there is anything to observe about them with regard to deficiency of ventilation?—There are apertures in each of the doors, so that the lobby forms part of the cell; and there is a perforation for inlet of air into the lobby and exit from the cell. Therefore with the space of the lobby the cells are equivalent to 600 feet. I do not think that much harm can be caused by 24 hours in them.

13,629. Have you observed the position that the bed-board occupies?—Yes, I know that it is across the cell.

13,630. Do you know what the dimensions of it are?—It is 5 feet 4 inches, I think.

13,631. Do you think that sufficient accommodation for a man of 5 feet 6, 8, or 10 inches?—It would not, if he were to occupy the bed for many nights in succession, but I do not think that for one night it can do harm.

13,632. Do you think it would be a comfortable bed for one night?—I do not think a man is intended to be comfortable in a dark cell.

13,633. Have you ever made a report notifying your opinion as regards the dark cells, that they were in a healthy part of the building?—No, I have not.

13,634. Or that they were constructed with a proper regard to health?—They are so seldom occupied that I did not think it really of practical importance to do so.

13,635. (*Chairman.*) Is the door between the lobby and the cell open when the cell is occupied?—No, my lord.

13,636. Then the space of 500 feet is hardly available?—There are large apertures in the doors.

13,637. They are little holes, are they not?—They are an inch and the one-eighth of an inch in diameter.

13,638. They are an inch and one-eighth in diameter?—Yes.

13,639. (*Dr. Lyons.*) Is that a return in your hand of the dimensions of the dark cells?—It is a return of Number 4 cell which was occupied by O'Donnovan Rossa.

13,700. Have you the exact dimensions of it?—Yes.

13,701. And the mode of ventilation?—Yes, I have.

13,702. Will you put it in as a return, please?—The cubic dimensions of the cell itself are 351 feet, and the cubic dimensions of the lobby are 159 feet. There are seven apertures. (*Witness hands in the return.*)

13,703. (*Dr. Greenbank.*) Have you seen any bad consequences to health result from putting prisoners into the dark cells?—Never.

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18,704. Do you think it likely that a prisoner put into a dark cell for two days would suffer in health from confinement there?—Not permanently. There might be temporary deterioration to health, and I have no doubt there would be in some cases.

18,705. Do you visit all the prisoners who are undergoing punishment diet?—I or my assistant surgeon.

18,706. Bread-and-water diet I mean?—Yes.

18,707. Have you found ill consequences to arise from that diet?—I have always managed to prevent ill consequences. I see prisoners frequently when under punishment, so that I have not allowed ill consequences. I have the power to step in and cut short the punishment if I fear that it will do any harm, therefore I have never allowed it to go so far as to do so.

18,708. (Dr. Lysaght.) Have you often done that?—Yes, I have the last case here in which I prevented bread and water altogether. I frequently not only shortened the punishment, but if I think a man not fit for bread and water I say so beforehand.

18,709. What is the number of cases in which you have done that?—I have prevented it altogether in more cases than those of which I have records.

18,710. (Chairman.) Perhaps you can state it from recollection?—Cases are not unfrequently arising in which after visiting the prisoner I communicate with the governor and desire him to remit the remainder of the punishment on medical grounds.

18,711. In what proportion of cases of those that were put on that diet have you found it necessary to interfere within the last 12 months?—I do not preserve copies generally of such cases.

18,712. (Dr. Lysaght.) How many cases can you state in which you interfered to prevent the punishment being carried out?—I have records of 24 cases between the 10th of March 1866 and the 3rd of November 1869.

18,713. What was the maximum of bread-and-water ordered?—These were not bread-and-water cases. The majority of them were penal class and punishment diet.

18,714. (Mr. Brodick.) Do I understand you that punishment diet is distinct from bread-and-water diet?—It is. Punishment diet is bread and water three days, and penal class on the fourth day. A man placed on punishment diet for 12 days would get three days penal class diet. No man has bread and water more than three days continuously.

18,715. I am aware of that; but when a man is put on punishment diet he is put on bread and water, so far as the regulations will permit, and then penal-class diet?—Yes.

18,716. (Dr. Lysaght.) How many of those 24 cases that you have referred to were on bread-and-water diet?—Only four of those cases were on bread and water diet, the rest were on penal-class diet.

18,717. Will you quote from that paper how many prisoners you recommended to be taken off the punishment diet, and how many off the penal-class diet?—18 were cases of penal-class diet which was remitted on medical grounds.

18,718. And the rest?—There were four cases of bread and water, making 22, and the case of a man whose leg bones were removed at my recommendation.

18,719. What were the other two?—There were 18 cases of penal-class diet, four of bread and water, making 22, one leg issue, making 23.

18,720. What was the other case?—The other one should not have been entered here. There are but 23 cases.

18,721. Are you under the impression that penal class diet, and bread and water diet long continued, have an injurious effect on the constitution?—Long continued, yes. I think if continued many months they would have an injurious effect.

18,722. Have you met any opposition to your wishes in regard to bread and water, and penal-class diet?—None. It is known from the fact of my interfering that I do not wish prisoners to be kept on punishment or penal-class diet any length of time.

18,723. Do you think that that has modified the use

of penal class and punishment diet to any considerable extent?—I think so, as regards Millbank prison.

18,724. (Chairman.) Has that opinion any reference to the peculiar local situation of Millbank?—No.

18,725. Or should you act on the same principle if at Woking, or in a more elevated position?—It would make no difference at all, my lord. Here is a list of prisoners whose punishment has been prevented altogether.

18,726. (Dr. Lysaght.) Have you ever prevented prisoners from being at all put on punishment or penal diet?—Oh, yes, frequently.

18,727. In how many instances?—I have not got the means of telling you that here; but the cases are not at all infrequent. For instance, when a man is likely to get into trouble, and perhaps would be reported, I may send him to hospital, if his health is indifferent. I interfere indirectly as well as directly.

18,728. (Chairman.) Are you prepared to state on what grounds you did that?—On various grounds. If I heard of a prisoner with incipient phthisis, or a tendency to phthisis, getting into trouble and being reported and placed on bread and water, I should interfere.

18,729. Then these are cases in which you thought it your duty to bring before the governor of the jail the necessity of your interfering, and the necessity of not submitting them to hard work or severe discipline, which they otherwise would be subjected to on medical or other grounds?—Yes.

18,730. Have those representations been uniformly acceded to?—Uniformly.

18,731. Is there anything that you would wish to say to us about Monday?—No, my lord. I do not think that he came under my care.

18,732. Or St. Clair?—The only ailment from which St. Clair suffered was slight diarrhoea on one occasion while at Millbank.

18,733. Or Walsh?—Walsh on the 4th of February 1868 was placed under chloroform, and I extracted a fragment of a bullet.

18,734. From what part of his person?—The upper and outer aspect of the thigh. The wound rapidly healed, and he was discharged from hospital, cured, on the 4th of March.

18,735. Have you anything to say to us about Melan?—No, my lord. I have no recollection of his ever having been under my care.

18,736. McCafferty?—I do not seem to have anything about McCafferty.

18,737. Or Down?—No, my lord; I have nothing about him.

18,738. (Mr. De Vere.) Do you remember, Dr. Gower, the date of the change in the dietary, when the dietary of convict prisons was reduced?—It would be in some part of '65.

18,739. Were you one of the committee of inquiry that recommended that part of the reduction should be restored to the dietary at Chatham?—Yes; I was one of that committee.

18,740. Was it done so?—Yes, it was done to a great extent.

18,741. Was there a considerable falling off in the health of the prisoners of Chatham after the reduction of the dietary?—There was a falling off in the health.

18,742. Has there been a restoration of the health to any extent since the dietary has become more liberal?—Yes, I understand that there has.

18,743. Were you one of a committee that investigated some question of dietary, at or about the same time, with regard to Portland?—I was sent down to Portland and made an inquiry. There was no committee. I was sent down alone.

18,744. By whom were you sent down?—By Colonel Henderson, the then chairman of the board of directors.

18,745. Did you report on the Portland diet?—I did.

18,746. What did you report?—I reported that in my opinion the health of the prisoners would be improved by some increase of diet. I recommended

an increase, but I cannot recollect now exactly the details of what the increase consisted in. I could have brought the report with me if I had known that it would have been required; but I did recommend an increase.

18,747. Do you recollect whether you recommended an increase to the same extent that had taken place at Chatham?—No, it was not to the same extent, and it was rather different in kind owing to climatic considerations. I thought that the difference of the atmosphere, and so on, indicated rather a different kind of diet at Portland to that at Chatham.

18,748. Did you inquire into the nature of the public works executed by the convicts at Portland?—I went over the works there.

18,749. Do you think they are as trying to the health and constitution as those at Chatham?—Yes, I think so; to the majority of prisoners.

18,750. The work in the quarries at Portland you think is as hard as in the dock works at Chatham?—No; I do not think the work is so hard but I think the conditions under which the prisoners are placed at Portland are as trying as at Chatham; although the muscular fatigue is not so great.

18,751. Has your recommendation been carried out at Portland?—I believe it was not thought necessary to make an increase.

18,752. (Chairman.) You think it was not thought necessary?—I believe not, my lord. I have not heard

The witness withdrew.

The Commission proceeded to deliberate.

Woking Prison, Friday, 12th August 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. ROBERTS.
STEPHEN E. DE VREE, Esq.

DR. LYONS.
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WILLIAM F. ROBERTS, prisoner, recalled.

18,758. (Chairman.) Recross, we have received your paper, and there are one or two points on which the Commissioners wish to ask you questions.

Statement of WILLIAM FRANK ROBERTS.*

I was arrested in Dublin on the night of the 18th September, 1865; committed to Richmond Prison on the 16th, and removed from there to Kilmainham Jail in the December following; brought up for sentence 24th January 1866; sentenced to 10 years' penal servitude, and assigned to Monaghy Prison; removed from Monaghy at 8 a.m. on the morning of the 10th February in company with 12 of my fellow-prisoners, remanded in custody. On the boat from Kingsboro to Holyhead we all with few, if any, exceptions got sea-sick; as we were handcuffed together and put up in a small cabin we unavoidably bespattered one another with the contents of our stomachs. The man I was handcuffed to had occasion to go to the water-closet; as they would not unlock me, I had to accompany and stand over him while he was evacuating. On our arrival at Holyhead we were in

a sad plight; dirty, empty, sick. I asked for something hot to drink, and was told we would get some drink on the way. A sandwich was served out to each of us. When we got to Chester we got some water. This was all the refreshment we had given to us from Holyhead to London.

It was after 7 p.m. when we arrived at Pentonville Prison. On our arrival we were drawn up in line on one side of the hall of the prison and compelled to strip naked, then step out as the centre one by one, to raise our arms, to stretch out each leg, to stand on one leg and extend the other to as near a right angle to the body as possible, to stoop, to open our mouths. When stooped a lamp was held to the prisoners and examined behind; then to the private and examined before. After being gazed at under and over in a perfect state of nakedness for some minutes by some four or five officials we were marched to the opposite side of the ward, where we found lying on the ground a shirt, jacket, waistcoat and trousers for each of us; clothing, not like the warm felt and strong fannels we were often taking off, but miserable shabby, blue stuff that one could see through, moth-eaten and damp, with neither flannel shirt nor drawers, and even without lining of any sort. The trousers I happened to get did not come within two inches of buttoning on me in front; the sheet was so full of pegs that I could not put my feet into them. I was told they could not be changed till Monday. On passing over to a dock to hear the rules read we saw a gentleman standing, with a wand by his side, who said, "Doctor." I halted, and told him I was deprived of my flannel shirt and drawers; the doctor said, "Yes, you can't have them here." I was then handed about 8 oz. bread and 4 oz. of cheese for

Mr.
R. M. Gover.
11 Aug. 1870.

W.F. Roberts
18 Aug. 1870.

* In giving this paper as part of the evidence, the Commissioners think it right to state that of the allegations contained in it, many relate to matters not within the scope of their inquiry, many rest on mere hearsay evidence, and many are of such a character that they did not think it their duty to investigate them in detail. Into all that appeared material and capable of being investigated, they have inquired.

The statement is printed as it was handed in, certain passages or words only being omitted, which could not properly be published, and which had no material bearing on the case of the prisoner.

The Commissioners doubt it is beneficial that they attach no weight to reflections cast upon individuals, except where special reference is made to them in the Report.

W. F. Mearns & Co.

12 Aug. 1876.

See Report
on 2nd April
1876, p. 20.
120, 121.

Mearns & Co.

upper, and put into the cell A. 1. 6.^o I said, "I couldn't eat the bit of bread and meat I got on the way; I wish I had something hot to drink as I feel very cold and thirsty." The warden told me I would find plenty of water in my cell, and said, "Make down and get to bed at once; the gas will be put out immediately." In less than five minutes he returned. I had to put out all my clothes except my shirt, and every trifle in the cell outside the door, and gripe my way to the wretched pallet, made of straw and canvas, which was unequally stuffed or filled, for in the centre of it there was nothing between my hips and the bare boards of my guard-bed, but the double fold of coarse canvas and the parts that had most stuff in them were not more than an inch or an inch and a half in thickness. This wretched pallet was drawn on a wooden guard-bed, on which was a wooden bolster—the whole raised about three or four inches from the saphonium floor of the cell. From this bed of torture I rose each morning weary and sore, and more numbed than when I lay down on it at night. Weary as I was I could not sleep, for I was suffering from an unquenchable thirst, and chilled to the marrow for the want of my flannels. On the following day, Sunday, I was not taken to prayers or exercise; the latter I didn't want. On Monday the 12th I was taken before the doctor, who asked me about my health; I told him I had a naturally strong constitution, always enjoyed good health; that since my arrest I got piles; that the doctor in Mountjoy Prison gave me an electrolyte, which did them a great deal of service, as they were almost well; if he would please to order me some more of the like I might hope to get rid of them. I again begged that he would order me flannels; that I had worn them for years; that I feared depriving me of them this cold, damp weather would kill me. The doctor answered me, "Yes, you were there in America, you can't have them here; this is a warm prison." I said, "Yes, and in Ireland for the past six years; the prison may be heated, but my cell is not." The doctor then said, "If you have piles I will send you medicine." On the following morning the infirmary principal warder came to my cell with a dose he said the doctor ordered me; my bowels were loose at the time, for I get a cold and had eaten very little food since I left Ireland. I took the dose, and it proved to be a violent purgative, which brought on a hemorrhage from the piles. On this day, Tuesday 13th, the doctor came to my cell. I told him I was deprived of my flannels; he said he would speak to the doctor. I got the flannels on Thursday morning. The doctor came to my cell this day. I told him that purgative he sent me brought on a hemorrhage; he said, "Are you bleeding now?" I said "No. When I go to stool they bleed, and I find it difficult to stop the bleeding." He walked away, said nothing. Some days after this, on my way to exercise, I saw the doctor and told him that I was still bleeding profusely; he wrote my name, or rather my number, in his book, and told me to go back to my cell and he would send me medicine. I begged that he would not deprive me of exercise; he said, "You can't get everything; if you want medicine you can't have exercise, so take your choice." I went to exercise, and he drew his pen over what he had written in his book; though that exercise was limited to one hour in the 24 on most days of the week, and even then had to be taken in the punishment yard not apart for refractory criminals, sent back from "public works" to be specially punished in separate

confinement. These punishment exercise yards were constructed within a circle, each prisoner exercising in a space somewhat like that formed between the two spokes of the fillee and stock of a wheel. Either side of this triangle was not more than 15 or 18 feet. Those yards were separated from each other by high walls, so that while exercising the prisoner in one yard could not see the prisoner in the next. After a time we were allowed to take "free and open" exercise with the criminals—that is, to walk single file in a circle; but even here every precaution was taken to keep the political prisoners apart, by placing a dozen or more criminals between them. All this was exceptional treatment. On the next morning the infirmary principal warder came to my cell and filled me out a dose of medicine; I said to him, "There is some mistake in this; the doctor told me I couldn't have medicine if I went to exercise." He answered, "There is no mistake, he ordered this for you." I then said, "That appears to me the same as you gave me before; if it doesn't give it to me; it is some-thing to stop the bleeding I want, not a purgative." He poured a portion of it back into the bottle, and handed me the rest, saying, "This small dose won't hurt you." I took it, feel as I was; it proved to be the same, what I then thought was seams and soles, but I have lately learned from a medical man who spent some time in Portonville that the cathartic Dr. B. prescribes, and the one in general use in the prison, is, or was, a decoction of aloes; the person who told me this is an M.D., a prisoner. This second dose increased the hemorrhage and purging; pain ensued. I had to sit over the closet in my cell applying cold water with my hand for sometimes two hours at a time as I could stay the bleeding; the cold water occasioned congestion, so that I found it impossible to return the piles till I got warm in bed. It was often near morning ere I could get them in, and while they were down I was suffering the most acute pain; purging and bleeding ensued every time I went to stool; after a few days, when the purging ceased, I stroiled as much as possible going to stool till an hour or two of bedtime; on Sundays, as I had no work to do, I could stretch out on the floor and get them in. Principal warder Mr. D. seeing the state of my linen with blood, spoke to me. I told him the medicine the doctor sent me occasioned that, and said I must be very bad before I apply to that gentleman again. Mr. D. laughed, as if it were a good joke, and said, "Did he dose you?"

The prisoners had a bath once a fortnight; the bath, about a dozen in number, communicated with one another, so that all, sick and well, sore or syphilitic, washed in the one water, and at the same time. On one Saturday forenoon the warder came to my cell to take me to bath; he found me sitting in the closet trying to stop the bleeding; he said he would come back for me in an hour; on his return the bleeding had not ceased. I had to go with him, and on my stepping into the water the piles went back with a shot, as it were, and the bleeding stopped; that same evening suddenly, as if pierced with a knife or bullet, I got the most excruciating pain in the spine or lumbar regions. I feared at the time it was paralysis, for I felt no powerless, helpless; now headline the officer found me prostrate. I asked him to get me a liniment, or something to ease the pain. Mr. D. said, "I thought you would not trouble the doctor any more." He brought the infirmary principal warder, who told me he could not give me anything till I saw the doctor. I was more than an hour in getting off my clothes and crawling to my pallet. I had no sleep during the night, for I had no ease in any one position. Next morning, Sunday, the doctor came. I asked him for a liniment, and to allow me to stay in bed. He said, "You may stay in bed to-day." He did not feel my pulse or examine me. He sent me a reddish coloured liquid to take as a styptic, but no liniment. On Monday morning I felt no better, but was compelled to get up and go to work. I found that the easiest position for me was, with my knees on the stool, my belly resting

* The morning after my arrest I saw that the walls of this cell (A. 1. 4.) were covered head and there with the most noxious characters; sentences in daggered and prose, and figures of both sexes. Surely, said I, the prison officials must have seen all this, and cannot but look upon it as offensive and deserving of punishment. Pondering thus I might be accused as the author I took the liberty of expunging it, and get severely reprimanded by the officer for scratching the walls, although I explained why I did so.—W. F. M.

† I have seen an officer, with a basket of medicine, come almost daily to the exercise yard, call prisoners out of the ranks and give them a dose of medicine.—W. F. M.

on the edge of the table, my elbows supporting my body. In this way I contrived to do some stitching. In about ten days I was able to take some exercise; not in the usual ground, but by myself, for I could move but at a very slow pace. When the Reverend Father Zemann visited my cell I told him how I was treated, for he said I did not look so well; he then told me he would speak and get me a more nutritious food if I wished. I declined, but thanked the gentleman for his kind offer, and said, "I do believe they mean to kill me, so the sooner they do so the better it will be for me; but there is one of my fellow-prisoners, a tall man, I see at times and at exercise occasionally. I do not know him, but I think his name is Lynch, if you can do anything for him do it at once, for a child can see he is perishing from want of food and clothing." I understood him to say he did speak or would speak. Mr. Kenna, another of my fellow-prisoners, told me in Portland that a few weeks before he left Pentonville Father Zemann had spoken for him, so he had reason to think, for he got additional and better food for a few weeks as he left for Portland. One day the librarian came to my cell. As soon as the door was opened he revealed, saying, "Oh! why don't you open the window?" He looked and saw there was no way of opening. This occasioned me to look into the other prisoners' cells on my way to exercise; I saw that all the windows had a trap, which the prisoner could open when he pleased. I saw the principal warden, and asked why it was that I was put into a cell fitted up for refractory prisoners under punishment. He said, "Ask the governor, and he may change you to another." I asked the governor to remove me, and he refused. I spoke to him again in a few days after, and I was removed to another cell the next day. Now, this cell I left was situated in an angle of the building, where no ray of sunshine, if there was the like, could come near, and if it could it could not enter, for the prison was covered on the outside with the dirt of years; two or three half-panes overlapping each other about one-twelfth of an inch apart afforded the only ventilation, and these small spaces were choked with dirt; it also had double or extra bars on the outside. There was, too, a perforated brick ventilator in the cell, and one for the escape of foul air, but they were useless, for they, too, were choked with dirt. The gas fixture jutted about a quarter of an inch from the wall; in the other cells it came out a foot or so with a crank and shade. The water-closet was built round with stone to protect it, the wash-tubs built so far into the wall that I could not get my face near it; the water was always running from a pipe at the mouth of the closet, and so the door of the cell was never left open when I went to exercise or to pass, as the criminal prisoners' doors were, there was always a damp, unwholesome vapour-like smell in it. The cell served the double purpose of privy and prison, and in it I was confined 23 out of the 24 hours daily while at Pentonville. The door to it was what is technically termed "double bolted," so that when closed it was impossible for the "hot air" to enter it, or the foul air to leave it, and a draught of fresh air could never pass through it, for it was never open for more than a minute at a time. This was exceptional treatment. Here I existed for two months and more.

The seat I had, a three-legged stool, the legs grooved through the top a half-inch or so, which made it impossible for me to sit upon without a cushion of some kind. If I could sit I knew it was not good for the piles, still it was very fatiguing to be ever standing and stitching. The deputy-governor saw me sewing on some coarse stuff, one leg of a trowsers while I was stitching the other; he said that was not allowed, and told the officer to report me if I did the like again. I was compelled to stitch standing, for the warden said he had no other seat to give me. I was not permitted to rest my back against the wall; to stand and stitch in the one position without support increased the pain in my loins. One official said to me, "You have plenty of coarse cloth, why don't you

"make a cushion of some of it?" I told him what the deputy-governor had said, and he told me that he saw every prisoner that had the like sit on it. "Yes," said I, "and they have told us we were to be treated as the other prisoners, the criminals; we are, but they fortunately for themselves are not treated as we are." "Yes," said he, "I see that is the difference." We were scratched when leaving and entering our cells, though from the time we left them until we returned to them again we were never for an instant from under the eyes of several officers, and never passed beyond the ward or exercise yard. Criminals were not searched in this way, except such as had broken or attempted to break prison, or had made some murderous attempt on the life of an officer. This was exceptional treatment. We were stripped naked once a week and paraded before two officers; we had to get up out of bed and put our clothes and everything in the cell, viz., the table, stool, two paper bowls, spoon, knife, salt-stick, towel, comb, soap, needle and thread, &c., outside the door every night and take them in in the morning. Our men when on duty would compel me to take off my flannel shirt and leave it outside along with the rest; no criminal was treated in this way. I was often kept standing with nothing on me but my shirt for 10 or 12 minutes after the bell had rung for bed, waiting in the cell in the months of February and March, waiting for the officer to come and take out these cell necessities. To be stripped in this way was a matter of necessity, for if I had not all my things ready when he came I was abused and threatened to be reported; and he sometimes came immediately after the first bell rang, at a quarter to 8 o'clock p.m., and often not for 10 or 12 minutes after. It will be easily seen from the nature of my cell necessities, &c., that it was not as a necessary precaution lest I should attempt to break prison that I was compelled to put out those articles, but as a special and most exceptional punishment. It is right to add that while removing those cell necessities in and out I had to walk on my bare feet, with nothing on me but my shirt, on the flags and asphaltum floor. My wife was sick when I was leaving Dublin; the governor of Pentonville received a note from her requesting him to let me know that she was better; she enclosed a stamp for reply, or, if it was against the rules, to return her own note to her. The governor kept this note, and when I had written my reception letter handed it to me; a note from my brother and wife came in afterwards; the governor returned them both, not letting me know anything about it. It was six or seven months after that I heard from my wife and heard of her recovery. This is some of my experience of Pentonville Prison.

On Monday the 16th, I think, of May 1866, I with 22 others, my fellow-prisoners, were handcuffed and chained together and forwarded to Portland; on our arrival we were stripped naked in one apartment, and marched one by one to another, a bath room, undergoing on our way the same close inspection as we had in Pentonville, only the lamp was not needed, for it was daylight; by the side of the bath we found each a cull of clothes to put on after bathing. We were then taken to a room near the surgery and ordered to strip again, all but our drawers. In this room we stood till we were well chilled after our hot bath, for half an hour and more elapsed ere the doctor came to inspect us. I told him I was suffering from piles, that I did not lose any blood for some weeks. Dr. Baker said, "You will get well here." The assistant-surgeon and the governor were present. The deputy-governor on reading the rules for us spoke of a dark cell as a punishment. I told him I was placed in a dark cell and I had not infringed any rule; he said, "The cells on one side of that ward are dark; when there is a vacant cell on the opposite side you will get it," but I did not get it. The cells were less 7 feet by 4, flagged, sides and roof iron, a slit over the door for the escape of foul air, under for the admission of fresh; the slit in the cap used to melt into bricks, the hole was so damp; the "dark side" had two panels of opaque glass

W.F. Roseberry.

12 Aug. 1870.

See Report, page 30 and ft.

See the only drawing of Mr. Roseberry, prison-house in view in Dublin.

W.F. Roantrou,
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admitting a borrowed light from the hall, the only window each cell had. The day after our arrival we were brought into the wash-house, and put to wash the criminal prisoners' dirty clothing. It was bad enough to have to wear this week the flannels, the drawers, and the shirts worn last week by some syphilitic maniac, or sodomitic perhaps; but it was still more loathsome, if possible, to have to rub out between our hands the flakes of dried excrement that besmeared the shirts and flannels of those foul wretches.

On this afternoon, Tuesday, I had a stool, profligate and bleeding followed; the bleeding did not stop nor the piles got back till I was some hours in my hammock that night. Wednesday morning my drawers and stockings were as wet with blood as when I took them off the night before. I told the officer in charge of the wash-house; he gave me dry drawers and stockings. I showed him the patches how they were saturated with blood, and he told me to get a basket of cold water and leave them in steep for a few days, or the blood would never be got out. I put down my name, and was taken before the assistant-surgeon in the morning, Thursday. He said, "You are one of those Fenians. What's the matter? What do you want?" I commenced to tell him, but as soon as he heard the word piles he turned to the officer and said, "Give him some of that ointment." I said, "I have been using that." He said, "Use that too; go; next man." On Saturday night the officer over my ward, Mr. B., saw the state the clothing I had taken off were in with blood and said to me, "What is the meaning of this?" I said, "I got these drawers out clean on Wednesday morning, you can guess now what blood I am losing." Mr. B. said, "You must see the doctor." I told him I saw him on Thursday morning, that I would not voluntarily give him the opportunity of treating me again. Mr. B. took me before the assistant-surgeon on Monday morning. I got the same reception as before; he ordered me ointment. I told him I had some, that I wanted something that would stop the bleeding. He said, "You will get nothing else; go." My fellow-prisoners persuaded me to see the governor; I did, and he gallantly told me the ointment, paid ointment, would stop the bleeding.

I wrote my reception letter and spoke of some of these matters; the letter was suppressed by the governor, and I was not allowed to write for a month. My next letter was suppressed too. In two or three months after I was allowed to write again; in this I said nothing about Portland; the governor called me up and said, "I will suppress this letter." I said, "I have not said a word about this prison, or any official in it." "You bring charges" against the medical officer in Penzance, and I "will not allow you or any other prisoner to do so." "It will be some time now before you write again." In about three months after my arrival in Portland the governor sent for me, and said, "I have received a letter from your wife; I will give it to you." I saw by it that my wife was in great anxiety at not hearing from me for so long a time; she said she would come and see me. I begged of the governor to let me write, as I did not want her to come. I was not by the rules entitled to receive a visit; if she did come I would not wish her to be disappointed. He let me write on condition that I was not to say a word about Portland or Penzance, or any official in either prison.

When I spoke to the governor of the doctor's reception of me I begged of him to permit me to stretch out in my hammock during my dinner hour, as it would be a great relief to me; I might get the piles in when they were down, and stop the bleeding; "I would not occasion a moment's delay; I would have it backed up and ready to go to work" when called on. He said, "No, you must lie in" up before dinner, when all the other prisoners do."

* The prisoners did not lay up their hammocks before dinner. The hammocks were left hanging open in our cells; we did not lay them up and put them on the shelf till after dinner; we

In July the governor was passing the quarry where we were working; he stopped to speak to one of the officers in charge of us, a Mr. G. Mr. Carey, one of my fellow-prisoners, heard the governor say to Mr. G., "Take three or four of them before me." Mr. Carey came and told us what he heard. In about half an hour after Mr. G. came to my bench and said, "Roantrou, what are you hitting the stone that way for?" I asked what he meant by the question.—Mr. G.: "I don't stand" here to tell you what I mean when I speak "to you." I answered, "It is necessary to do so;" "you ask me what are I hitting the stone for?" "I tell you to hit it harder," said Mr. G. I said, "I have it nearly finished; I am dressing the edges" of it; if I hit it harder I will surely break "it." "I tell you to hit it harder, and if" you break it I will know whether you do it "on purpose or not." I said, "I know what" you mean by all this; you want to get up a "report to carry out your instructions." Mr. G. said, "I can speak to you when I like." I answered, "I know you can, and you may, too, for all I care." "Ha!" said Mr. G. "you say you don't care" I was taken in and locked up in my cell. The next morning Mr. G. opened my door and passed on as he always did to open the others; I got on my knees to sweep out my cell; I did not notice that Mr. G. had come back till I heard his voice, saying, "Roantrou, why do you sweep the dust on me?" I looked up in surprise, saw he was a pace or two from the door, and said, "Sweep the dust on you! I must sweep" out my cell, and if you stand there you can't "avoid getting some of it." Mr. G. said, "What are you looking at me for?" I said nothing, but shut my door. At noon I was taken before the governor, and charged by Mr. G. with giving him *insult* on the day previous, with *receiving the dust* on him and telling him when he spoke to me to get out of that or I would sweep it on top of his head, and with *general insolence*. Mr. Carey saw the governor this same day and said to him, "I heard you tell the officer" as yesterday to take three or four of us before you. I "want to see the director to report this to him." The governor turned to the chief warden and said, "Report this man for threatening to report an officer." Mr. Carey was removed. I was ordered two days bread and water, with the loss of some hundreds of marks, and other penalties. Mr. Carey saw the director, and told him what he heard the governor say to Mr. G., namely, to take three or four of us before him to be punished.

I saw the director, too, and told him of the fabricated report by Mr. G.; that I did not use the words imputed to me by Mr. G., which Mr. Leahy, O'Leary, and others could prove; that I was never before accused of insolence; that the contractor told me and others to take time and dress the stones well, as we were want to do. I also said, "The governor deprives me of my bed," and gives me bread and porridge and water for "two days, and he knowing the state I am in" for the past three months. The director: "What state are you in; what is the matter with you?" I told him. The governor then said, "This" man came to me, I spoke to the doctor, and he said "he, Roantrou, had the piles slightly." "How can the" doctor say slightly when he never examined me?" I replied; "he spurned me away with insult when" I waited on, and when I was taken before "him." The director then said, "Tell the doctor" had no orders to do so. I thoughtfully told the officer what I said to me to stretch on my hammock during my dinner hour. Then said not all then did he order me to put it on the shelf at once, and would not give me dinner till I did so. After this I had to stretch on the flagged floor.

* He first asked me, did any officer see the blood? I referred him to the officer in charge of the wash-house the officers in charge of my ward; the officer in charge of the punishment cells, where I spent two days. This man saw the state of my linen and of the sheet after I came from it, and said it was shocking. The sheet in the quarry was also bespattered with blood whenever I used it.

Roantrou
Mr. G.
Mr. Carey
Mr. Leahy

Examination
of the
cell
on the
12th
1876.

"I want to see him." The doctor came, but I cannot say what passed at the interview, for I was removed. I spoke to the director, too, of the spite the officers were showing towards us, and told of some of the proceedings we were daily, hourly, receiving from them; mentioning the floggings of some of us, sickening others: *Blackburn was Paddy O'Rourke, O'Regan was Regan, O O Gilt.* And that the difference between an Irishman and Englishman was, the Irishman's head was thicker. I could enumerate many other such wanton insults. I did not tell the director that it was the influence, the intrigues, of two or three that made the rest of us endure all this tyranny and pangs, but I asked the gentleman were there any redress? and he said, "No." The officers were removed and others put over us, but the change was little if anything better. How could we expect the subordinates to treat us as the prison rules direct them, or as some of them treated the criminals, when the governor would encourage them to falseness reports; *to take three or four before him for punishment without having committed any offence or violated any rule or order of the prison. Yet I have been told that the Secretary of State said we were never punished for minor offences.* We were not only punished for minor offences, the most minor known to the prison rules, and, as one of the warden remarked, offences that would be overlooked in the vilest prisons; but offences were created in order to have a pretext for punishing us. We as well as the criminals were allowed to speak twice a labour for two months after our arrival in Portland, when an order was then given that we should observe absolute and perpetual silence, not only when in the prison, but while out of labour in the gardens, though working within two yards of each other. This inhuman and brutalising rule was violated, and each violation of it was followed by beat and water, punishment cells, no bed but the bare boards, and loss of open air exercise, with other forfeitures and penalties relative to writing to and receiving letters from our families and friends for many weeks and months. On one occasion one of us was asked what he had to say to the charge brought against him? He said it was false; that any one of his fellow-prisoners could say the same, as they heard all that passed. The governor then said, "Do you think I would believe you corrects?" "Why, then," said Byrne, "do you ask me, when you have determined not to believe any of us?" This very natural rejoinder only made Byrne's punishment the heavier, for it, too, was "insolence." Another of us was simple enough to say, in answer to the same question, "Partly true and partly false, but, as I got great provocation and am not a criminal, you will, I hope," let it pass this time, even if I did say all the officer says I did, the offence is very trifling, and it is my first." "Not a criminal!" said the governor, "You are all here for the greatest crime known to the law, deserving of punishment here and elsewhere." Seeing, hearing the like of this from time to time from their superiors in rank, need we wonder at the underlings displaying the same inviolable feeling towards us.

It was in the first week of August 1866 I complained to the director. On the 24th I was taken before the assistant-surgeon, who said to me, "You complain of bleeding piles. I will admit you to the infirmary." A few hours after this I heard Dr. Blaker leave the adjoining cell where he was visiting a patient; the officer was about to open the door of my cell, and the doctor said "No." Two hours after the dinner hour an officer, by name of G—, came and told me he had forgotten me; as the doctor did not see me he didn't know what to give me to eat; he would go to the kitchen and see what he could get me. He brought me a bowl of soup and a 4 oz. or 6 oz. loaf of bread. In the evening the assistant-surgeon came into my cell, on seeing the blank diet ticket he said, "Didn't Dr. Blaker see you?" "No." "Then you have had no dinner." "Yes, a bowl of soup." "I will see those piles in the morning." About 10 next morning he came;

when he saw the piles, he said, "What a stupid man you are! Why didn't you show me those before?" "I said, 'I saw you twice and you wouldn't listen to me; you insulted me.'" "If I was to take every man that came before me once or twice into the infirmary all the prisoners would be patients." "It was necessarily obliged me to go before you, and you might have known that if you examined me." "You look so well." "Yes," said I, "brought by the sun, but look at my body." He prescribed for me, and wrote *full diet on the diet.* Some five or six days after my admission Dr. Blaker entered my cell and said, "Wasn't the matter with you?" "Piles," said I. "I must look at these piles in the morning." He brought the specimen in the morning. I told him there was no occasion to see it, as they came down so freely on the least exertion. He said nothing, applied the speculum, and exclaimed, "You have a fine bunch there, or some such words. He prescribed I believe sulphur and treacle electuary. I was using hot water fomentations and a dark brown ointment prescribed by the assistant surgeon, who told me to be saving of the ointment as it was very dear. I used one loz. and he gave me no more of it; sent me a box of gall stones instead. I preferred the other, as I thought it was saving the piles, but he said he had no more of it. The piles were better, less painful, and less blood from them; the pain in my loins was also less.

The director came to my cell some time in September; he asked, "When was this man taken in here?" Receiving no answer, he looked at the paper on my door and saw the date of admission. When I was some weeks in the infirmary the two doctors entered my cell; Dr. Blaker asked me "How soon after my arrival in the prison I applied to his assistant?" "I told him," Dr. Blaker said, "The second time you saw him you refused the ointment." I said, "No, I told him I had some of what he gave me a few days previously and he told me he would give me nothing else." Dr. Blaker "You then applied to the governor?" "Yes, and in three months after to the director." Dr. Blaker: "I know you did." "Were you very bad when you were taken in here?" "You know how I was," said I. "Yes," said Dr. Blaker, "I do." "Would you say you were in a dying state?" I answered, "Certainly not, I would not say I was in a dying state, but there is many a man in a dying state, and he does not know it. One thing certain, I could not endure it much longer." "Energy of will alone sustained me," Dr. Blaker then said, "Certainly not," you say; "Put that down, Doctor. His assistant took out a tablet and wrote down "certainly not." Dr. Blaker turned to me and said, "Now you may write to the Secretary of State or to his son Mr. G." And so my cross-examination ended. Dr. Blaker on leaving my cell took away with him my seeing how the box of gall stones that was lying on my table. I was at a loss to know what all this meant. I afterwards heard that one or two of my fellow-prisoners in their statements to the Secretary of State had mentioned my case; one of them made use of the phrase, "In a dying state." They meant to do me a service, but it only made our keepers more tyrannical, if possible, and added to my sufferings and their own.

I was about three weeks in the infirmary. Warden G. came into my cell. I asked the lid of my chest-steel and said, "Did you ever see the blood I lost almost daily?" He looked and said, "Did you ever show it to the doctor?" I said, "No; he never expressed a wish to see it." Mr. G. said, "He is in the surgery, I will go and call him." Dr. Blaker came. He gave me a very green look, and said, "Get to bed immediately." He sent me up a draught to take at once. Two days after he felt my pulse and asked me, "How was my appetite?" I answered that my appetite was very uncertain for some months; "I eat the full diet for a week or two after admission to the infirmary; the past week not so well; the past few days little or nothing." He changed my diet, giving me 2 ounces of bread, arrowroot, station

H. J. Bessons

14 Aug 1878

See Mr. G's
statement, page
100.See by
Dr. Blaker's
order, p. 100.

H.F. Broomer.
12 Aug. 1890.

shop, rice pudding, and 12 ounces bread daily. Some days after this I had just come in from an hour's exercise, when I got a sudden attack of chills. They passed off, and a burning fever came on, and a purging, with excessive bleeding. This left me very weak. Dr. Blaker gave me an additional ounce of brandy and a pint of beef tea daily. My appetite was bad. The purging ceased in a few days. Every autumn since I got a slight attack of fever and ague. In October the doctor, Mr. Dumas, came into my cell accompanied by the two doctors and the governor. Mr. Dumas asked me what was the matter with me. I said, "Piles." "How long," said he, "are you in the infirmary?"—"Near seven weeks." He turned to Dr. Blaker and said, "He must be bad." Dr. Blaker said, "Very bad; he is losing large quantities of blood."

When I first came into the infirmary I noticed many of the patients with sores on their faces. One day at exercise the compendier called one man over near to where I was exercising, to apply a sulphur lotion to the sores. I heard this man say, "I got this disease, whatever it is, since I came into the infirmary by using an infected razor." Mr. G. was standing by, and said, "The razor couldn't give it to you; it must have been the brush." "Between them both I got it," said the man. When Mr. G. came to my cell I begged of him not to give me the brush and razor these men with the sores had been using. He said he wouldn't; that they had a brush and razor for themselves. I also spoke to Mr. B., the infirmary principal warder. He said, "The men with sores use the scissors, not the brush and razor." Unfortunately, I believed what they told me. In a short time after I felt a peculiar itching in one spot between the under lip and chin. I looked and saw it had a slightly reddish hue. I showed it to Dr. Blaker, and told him how it felt; that I feared it was that disease I saw on some of the patients' faces. Dr. B. looked and said, "I see nothing there." I said, "I feel it." Dr. B. walked away without prescribing for me. I applied it to this again with the same result. When I noticed the box of gall ointment I asked the prisoner who cleaned my cell, did he use it. Mr. G. told me that Dr. Blaker took it away to his office. "I suppose," said I, "that he has come to the conclusion it's no use for these piles. I was using it, and would use it again if I had it, for the piles can be got in easier when the grease is on them." This was told to Dr. Blaker. He came to my cell that evening, and reprehended me. I said, "There is no harm in saying that. It was not meant for your ears, nor did I mean any disrespect." I then drew his attention to the sores on my face, and said, "Five or six weeks ago you said you could not see it. Anyone can see it now. Please to prescribe for me." He said, "Show it to me in the morning." He did not come in the morning. His assistant came. I drew his attention to it, and he ordered me the sulphur lotion. If Dr. Blaker had ordered me this lotion when I first applied to him, in all probability I would have got rid of the disease; now, after three or four years, I fear, I have reason to fear I will never get rid of it.

In October Dr. Blaker applied nitric acid to the piles. After the fifth or sixth application he said to me, "These piles are incurable."—"Incurable," said I; "what is the meaning of all this torture if they are incurable?" Dr. Blaker said, "I do not want to torture you; I try to cure you." I said, "It sounded strange to me to apply the burning acid and in the next moment tell me they are incurable. If I thought they were incurable I would not undergo all this pain." On or about the 1st November I wrote a letter to my wife. After writing it I was taken into the doctor's office. Dr. Blaker said, "You told me this morning you were better, and you say here in this letter, 'The doctor applied nitric acid, a very painful, and I regret to add, an ineffective operation.' I said, 'I did tell you this morning I was better; I say the same, and

"more in my letter, for I say I am gaining strength daily. You have told me the piles were incurable; I do not lose as much blood now; but I say thank the sensitive food I have, not the acid." You also say here 'The doctor tells me my liver is affected.' You never told me your liver was affected. I said 'No,' but this gentleman here, your assistant, did. The assistant surgeon said 'Yes, I told you so.' But," said Dr. Blaker, you seem to doubt it, for here in the next sentence you say 'You always had a good digestion.' I replied, Yes, I always had, but I do not say I have at present. I do not doubt this gentleman's opinion or assertion. Dr. Blaker then said 'I don't care what any one of you men write or say.' When I said the piles were incurable, I said curing was the only remedy for them." The assistant surgeon then said, "Your health while in prison would not permit that operation, if you were out, your own master, you might get strong enough to stand it, or you might get rid of them without any operation." The governor came to my cell with this same letter of mine in his hand, and said, "This is a most exaggerated statement of your health." I answered, "The doctors do not think so. Dr. Blaker has put his signature to it." When my wife got my letter she came to Portland; I was not permitted to speak of my past treatment, but I told her the cold and damp of Portland the coming winter would certainly kill me unless I had something beside the prison food to sustain me. A few days after this visit Dr. Blaker said to me, "Did you bleed any to day?" I showed him the blood pot. He said, "You didn't bleed any on yesterday or the day before, I thought it was going to stop." I said, I knew it was only a temporary operation. "Yes," said Dr. Blaker, "and it will be temporary. What is your sentence?" I said "Ten years." Dr. Blaker said, "You may well dread the coming winter." He then debated the remission allowed to criminals, and said, "When you have three years done in prison, you will be very little else." Another day the governor came to my cell and said, "Remember, when you come out of this? You looked better when you were in the gaol." "Plenty of hard work would cure you." The weather got very cold. Warder Mr. G. said to me, "Don't you feel cold in that cell? We have fires in the rooms." "Yes," said I, "but were it so I am colder I would prefer the cold to any of your rooms, you have company there that I do not wish for." Mr. G. then said, "You have the honour of lying in a nobleman's bed; Sir John Dean Paul occupied that cell whilst he was here—this store in the corridor was put there for his use, the door of his cell was left open all day, so that he could go in and out when he pleased." I asked, "Had you as fire in it also he left?" "Yes, every winter." "Why don't you," said I, "put a fire in it now?" Mr. G. said, he had orders not to do so. I then said, "It was not for Sir John Dean Paul you put the curtain on the window, for I see a curtain on the other cell windows, and on the rooms, but as soon as I came to occupy the cell, you remove the curtain from the window." Mr. Dumas saw the lights glaring in on me as I lay in bed. I got the curtain the day after his visit in October, so I suppose it is to him I am indebted for it.

In the month of December the director, Mr. Fagus, came to my cell and asked me, "Have you any complaints?" I said, "Yes, there is a principal warder, a Mr. H., who the night he is on duty, comes in my cell three or four times during the night, shaking me up. If asleep, to ask me 'Is it all right?' I don't hear him annoy the prisoner in the next cell in that

Note.—Fortunately for me Mr. H. was on duty only one or two nights in the week; as when I gained a little strength I could stand the old man like justice, but I confess I found it difficult to bear with patience his wanton cruelty, while the doctor was operating on me. On one night he asked me why I didn't answer when he shook me at first. I replied, "Oh, yes, I was paying to God to grant me patience, for if I harmed you I would be sorry."

12 Aug. 1890.

manner; other officers turn on the gas, see me through the spy-hole of my door, and walk away. The director said I should have complained to the doctor or governor. I was about to tell him why I did not do so, when my door was shut by Mr. S. while the director was listening to something the governor was saying to him. While the doctor was applying the stink-bath for four days successively I was in great pain, and getting little or no sleep. One night I could not sleep for pain; on the next night I was beginning to doze when Mr. H. came and shook me, saying, "Is it all right?" I was confused and did not answer immediately. He gave me another shake, repeating his strange question. I then said, "If you left me sleeping it would be all right." He replied, "I can wake you up 30 times a night if I wish." I said, "No you cannot, for one visit from you drives me sleep away for 24 hours at least." I accidentally heard that the director would not leave Portland the day I saw him. I said to Mr. S., "If the director is here on to-morrow, I wish to see him." Yes "shut the door before I had finished speaking to him." On that night I had a visit from Mr. H. almost every hour, at one of them he did not open my door, but looked in on the spy-hole and said to one of the night officers, "Just look here. See the stench of that fellow there!" On the next day I heard the director visit the prisoner in the adjoining cell, as he did on the day previous; he halted at my door. The governor spoke to him in an under voice, and they moved off, going in to the doctor's office, opposite my cell, a narrow corridor between, I rapped at my door and told Mr. G. I wished to see the director. Mr. G. said, "He is gone." "Why do you say that? I can hear his talking now, in the doctor's office," said I. Mr. G. shut my door angrily, and I heard him say to Mr. S., "He ought to be sent to the separate cells," meaning the punishment cells; "he is too long here." The director left the doctor's office talking to the doctor and governor. I rapped at my door and said, "I wish to speak to the director; please to hear me." The director halted and said, "Who is that?" The governor and doctor spoke, and they all moved away. If I kept my own counsel I might have had an interview with him, but I thoughtlessly told Mr. S. what I was going to speak to the director about. On the following morning I was taken from the cell and placed in one of the rooms among the criminals. When Dr. Blaker came to the room I spoke to him in a low tone, not wishing for obvious reasons the prisoners around me to hear, and said, "What have I done that you inflict this punishment on me?" Dr. Blaker said in a very loud voice, "What do you mean by punishment?" I said, "It is not necessary to explain, you know what I mean." "Yes," said Dr. Blaker, "it is necessary." "Do you call it punishment to take you out of a cold cell and put you in a warm room?" "Yes," said I, "and you know it so. I did not complain of the cold; you know you could not inflict a greater punishment on me." Dr. Blaker said, "I'll take good care for the future that each and all of you men who are sent will come into one of these rooms, and nowhere else."

The scripture reader, or chaplain, came to the room daily to read prayers. My first day in the room I was reading a book, when the scripture reader came; he stopped reading and drew the attention of the warden to my book. The warden ordered me to lay the book down and pay attention to prayers. I did so mechanically, but took it up again. I was reported, Mr. S. spoke to me. I said to Mr. S., "I showed no disrespect, I was reading a book when the reader came,

"I did not change my position. I did not speak. I am, I suppose, the only Catholic in the room; what more do you require of me? Would you have me join in the prayers when no other prisoner present did, as far as I could see or hear?" Mr. S. repudiated me. Dr. Blaker said, "I showed no evil temper, and said to the officer, 'Make this man make himself useful here.'" Next morning I got the bread and was ordered to go round the room to clean and polish the shoes of the criminals that were lying in bed, and arrange them at the foot; other mornings I had to wash their criminals, to wash the waterclosets, to clean their dinner tins, to throw out the refuse, to sweep the floor and wash the emplacements. These were my varied occupations during the remainder of my stay in Portland. The officer asked me for a Bible one day the chaplain was coming to read prayers; I handed the officer my Bible, a Deane's, which he took and left on the reader's desk, the chaplain took it up, looked at it, and asked who owned it. I told him it was the one given to me by the prison authorities. The chaplain handed it back to me and said, "It is a very old book." I did not think I was doing wrong in handing the Bible to the officer when he asked for one, but Mr. S. seemed to think I did, for he told me some time after he would put a stop to my scheming. They would not allow me to eat my food at my bedside as I saw some of the criminals do the first day I came to the room, but compelled me to sit at table with them. I asked Dr. Blaker to allow me to use the scholars' place of the room, for my face was not getting well. I used to share but twice a week; after my application the officer said he had orders that I should share three times, and we all, with the disease and without the disease, used the one room.

I was permitted to go to mass on Sundays and sit with my fellow-prisoners; it was the only opportunity I had of seeing and talking to them how I was. One Monday the governor sent for me, and told me I was charged with irreverence and talking in the chapel on yesterday, and asked me what I had to say to the charge. I said I was incapable of irreverence, that I had entered into no conversation with anyone, that if my fellow-prisoners ask me how I am I will of course answer them. The governor said, "Of course, of course. I will give you three days bread and water, you will forfeit 7500, I think, marks pro-bation class six months." There was some officers present at this interview, but I cannot say which of them or if any of them brought the charge against me, for none of them spoke but the governor. After hearing my sentence I was taken away and locked up in a punishment cell. In about two hours after Dr. Blaker came to my cell. When he saw me he turned to the chief warden and said to him, "What sentence this man here?" "The chief said, 'Governor's orders, 3 days bread & water.'" "I have not discharged him from the infirmary, I will see the governor about this," said Dr. Blaker. In a short time after I was released, taken back to the infirmary and got my dinner. It was a cold and late dinner, but a very acceptable one. On the following Sunday I was not allowed to write or to pray nor on any day after this during the remainder of my stay in Portland.

Mr. Keane one of my fellow-prisoners, was admitted to the infirmary, his fingers frost-bitten, the corruption was coming out from under the finger-nails. Dr. Burns admitted him; Dr. Blaker was away on vacation. He was a tall gaunt man reduced to a skeleton by hard work and insufficient food; he never could see the great, his sapper was a pint of water and a 6 oz loaf for months previous, yet seeing this, and knowing this, Dr. Burns gave him not half enough to eat. The poor emaciated man told me, when I got the opportunity

* This day, the day of my removal, a much warmer day than many we had for weeks, there was an order given to put a fire in the stove outside the door of the cell I had just vacated; the fire was kept burning in the stove for the remainder of the winter, up to the day I left Portland, and so do not till the winter weather set in.

* It was Mr. Keane who said in the statement he wrote to the Secretary of State that I was in a dying state when I was admitted to the infirmary. He said my fellow-prisoners had to scrape away the snow and frost to procure stones to work on, he was compelled to stand by and look on, for he was unable to use his hands for some days before the assistant-surgeon admitted him. The criminals were kept outside out of the cold.

W.E. Roscoe.
19 Aug. 1874.

of speaking to him, that he could eat twice as much if he had it. When Dr. Blaker returned he increased his food. They would not give us even the poor consolation of being together in the one room; he was placed in the centre of one room of criminals and I in the centre of another. I saw him only at exercise. I have known Mr. Kasse while working in the quarry to be often more than a week without having a stool. He was bilious and much of the food disagreed with him. In the room I was placed in there were about 15 criminals of all ages, from the youth in his teens to the hoary-headed reprobate. It was a den of infamy, a school of crime. From morning to night and from night to morning whenever they had the opportunity, or were not sleeping, they were either recounting their past deeds of infamy, or lambasting the funniest and most disgusting slang and obscenities with one another. In this sink of iniquity I saw a youth not quite 17 years of age, some child of misfortune born and bred in vice and sent to this school to learn what perhaps he could never learn out of it, or he had may have been some child of honest parents who for some thoughtless boyish act of folly was sent to level for years with hardened reprobates. He was suffering for the errors of his youth; will he only be accountable to God for the crimes of the men? There was but one officer in charge of this and the adjoining room; while he was in one, the inmates of the other had plenty of time and opportunity to do or say whatever the devil prompted them to do or say. [Here follows a passage unfit for publication, which has no bearing on Roscoe's case, or on the objects of an inquiry.] My removal to this room gave me such a shock, occasioned me such pain of mind, that my appetite failed; I had no rest day or night, and the pain got much worse. Doctor Blaker prescribed injections. I brought up my mind to endure the horrors of my position and all the indignities the authorities were pleased to heap upon me, without a murmur, and after a few weeks I came more regained the little energy of mind and body I had attained while occupying the cell. I, at this time, felt a great pain about the heart, a pain I have often felt since; Dr. Blaker examined me and said it was occasioned by wind.

January 1867. Dr. Blaker ordered me to be weighed, saying, "You have gained greatly since your admission." I said, "I have, two stones at least." I was weighed, the memorandum was handed to Dr. Blaker, and he said, "156 lbs.; you weighed that when you came here." After my wife's visit to me, the governor and chief warder came to my cell. The governor said, "In answer to my application to the board of directors you have the privilege of 'writing to your friends when you please.' I certainly thought it strange that the governor would do me such a favour; I did not ask him to do so, I saw my wife a few days before, and I was entitled, but had not received an answer to my last letter; the governor also said, 'You have not been reported since you have been here.' I said I had; the chief said, 'It was for some trivial offence, I think talking.' I said, 'No, it was not talking.' 'What was it for?' said the governor; 'I forget.' 'Well,' said I, 'if I was really guilty of the charge it would have been trivial, but so it was a base fabrication I did not look on it as trivial, nor did you 'either when you were passing sentence, unfortunately 'for me.' The governor and the chief walked away without saying a word more. I wrote this letter that he was so kind to send for me; he came to my cell the following day and said, 'I suppress this letter and will not allow you to write again for six months.' There was nothing in it contrary to the rules as far as I know, nor did the governor tell me there was. A week or two after this I saw the governor and asked

him "was there any answer to my last letter, the one "I had written previous to my wife's visit. My wife "said she would write and let me know how she got "home." The governor said, "No, and when it does "come you won't get it. If it has had news I will "give it you." I had committed no offence since I wrote the letter, and according to the rules was entitled to receive an answer to it; but I was then so accustomed to be treated in this exceptional manner by the governor, the medical officer, and their subordinates, that I had long ceased to wonder at it.

After my removal from the cell, I being the only Catholic in the room, four weeks passed away before the priest, the Reverend Mr. Poole, came near me; it would no doubt have been longer ere I saw the gentleman, only I chanced to see him in the adjoining room, and he could not well avoid giving me a word in passing. They would not let me go to the chapel on Sundays, or on any other day of the week, so I thought it very hard indeed to compel me to listen to the chaplain or Scripture reader every day, and not allow me even once a week to bend the knee before the altar I was taught to worship at, to be sure they had a pretext for preventing me, but they were never at a loss to find a pretext for any act of thine if they thought they required the like. I was going to mass on Sundays for some months; it was the only opportunity I had for seeing my fellow-prisoners. I never entered into conversation with any of them, for what had we to say to each other if we were inclined to do so in the house of God. After prayers, when the opportunity offered, they would ask me how I was, I would answer, and they were marched away; this would be the extent of our interview. We were never told by any officer not to do so. I had no idea it was wrong till I was brought before the governor. The priest was kind enough to speak to me on one Sunday; if it was irreverence to answer my fellow-prisoner, it was also irreverence to answer the reverend gentleman when he spoke to me, and it was more irreverent on his part to speak to me. I have more than once on a Sunday during prayers heard slang and talk going on; no officer tried to stop it; the reverend gentleman spoke from the altar reminding the criminals that they were in the house of God, not in a den of thieves. The Sunday after this, before the priest came on the altar, I heard an officer say, "Stop this talking there." It was not to me, or any of my fellow-prisoners he said that, for he never had occasion to do so.

One day in this month, January 1867, Dr. Blaker examined me; from what I heard him say, I concluded he was about to operate on the piles. I asked him, did he mean to cut them out. He said, "Yes." I replied, "It would be suicidal on my part to submit to an operation after what you said "me a little time ago." "What did I tell you?" said Dr. Blaker. "You told me that it was a formidable operation; that you would not take it on yourself to perform it, and advised me not to allow anyone else to do so; that it would kill me; that my health would not permit it while in prison." And you also said, "I suppose you would not like to do just now?" I told you then, I had no particular wish to live; I tell you the same now, but I tell you more, that is, that I will be no party to my own death. When I said this Dr. Blaker passed, gave me a long look, and said, "I did not intend to touch the big ones, I only meant to cut the small, the inner ones out." I then said, "If I am to carry the big ones through life, it will not be much more of a burden to carry the little ones." A short time after this Dr. Blaker took a stick of caustic and rubbed it well into the piles, so that for a whole week I endured the most excruciating pain. He ordered me, at my own request, hot water fomentations to soothe the pain. Although the piles were out when he applied the caustic, I felt the pain more violent far away up the rectum. I did not know then what it meant, but I have since learnt. Dr. Blaker had applied the caustic to my guts; would he have cut them out if I had submitted to the knife? There

* I weighed when at liberty 14 stns. After my arrest I reduced in weight very much. On my arrival at Rosbehth six months after my arrest, I was weighed for the first time; whatever I weighed then is the standard by which the prison doctors judge of my state of health, if I appendence to the weight I am in Dr. Campbell's opinion "all right."

W.F. Ainsworth
12 Aug. 1870.

was a close steel placed in the water-closet for me to sit on and fume myself. One day while so engaged the Scripture reader came into the room. If I left the water-closet during prayers I would no doubt have interrupted the reader, so I waited till he had done. Mr. S., the principal warder, came to my bedside and asked me why I went into the closet when I saw the desk coming; knowing prayers would soon begin? I told him I saw the desk, but that I was in the closet before the reader entered the room, and did not wish to interrupt him by coming out, the door of the closet opening into the room. Mr. S. said, I should have waited for prayers. I told him I had hot water and was about to use it; that I made no noise whatever in using it, that no other prisoner would be noticed if he were in the closet during prayers (as was often the case). I also asked him, "Why do you require me to attend to your prayers, when you won't permit me to attend to my own one later in the week." Mr. S. said, "I have told you I would put a stop to this scolding." He repeated me. After this they were good enough to remove me to the cell I had formerly occupied when the prayers were about to commence; but my stay in Portland was very short after this occurrence.

On the 7th February 1867, I got an intimation that I was to be removed from Portland on the following day. I was taken to the governor's office, and the governor as soon as he saw me said, "You are reported by orders of the director, Mr. Paine, for kicking your door on the 5th December 1865; what have you to say to the charge?" I said, "I will not answer any charge you are pleased to bring against me." "You will not answer," said the governor. I then said, "This answer; I have been often presented to the director." The governor said, "You are an insubordinate fellow; I will keep you from writing."

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"You will be kept in probation clean months." You will have to earn 730 marks. My hair was cut close that morning. On my return to the infirmary Mr. S. ordered it to be cut over again. The doctor said, "There is no hair on his head to cut; it is already the closest cut head in the room." Mr. S. said, "Try, and you may find some." "Yes, I'll try; I'll shave his head if you order me." On the morning of the 8th, the clothes I had taken off on entering the infirmary nearly six months before were given to me, washed and damp as they were, with orders to put them on. One can form an idea of the dampness of clothing lying up in a damp store-room for six months, when the governor in Portland, when I complained of the damp of my cell, said to me, "Every place here is damp. My own house is damp. The coat I take off to-day I can't put on to-morrow without ailing at the fire, and my house is well heated." I was then handcuffed and chained to a gang of some nine or ten sick criminals; one of them called *Happy Dick*, a cripple, and too sick to be handcuffed or chained till he got to the wagon that was to carry us to the railway. Mr. S. said to his sub, Mr. G., "We must get two of the strongest to carry this man down stairs, and take him to the wagon." Mr. G. said, "Reynolds will carry him." I would no doubt have been ordered to do so only two of the gang volunteered.

I have already given a description of the cell I occupied in Portland prison during my first three months; the cells on the opposite side of the hall were similar, with this very material difference that they had a window and ventilator to admit light and air from the outside, but this ventilator admitted more than air; for the rain would come driving in through it, flooding the cells and wetting the hammocks, bed, and bedding of my fellow-prisoners. One night the principal warder on duty was good enough to release Mr. O'Donovan (not Mr. O'D. Ross) and give him an empty cell and dry hammock on the dark side for the remainder of the night. Mr. O'Donovan sang out "I'm drawing." This my brought the official, so Mr. O'Donovan got the only empty cell on the dark side, and he kept it too, for he said he would rather

sleep in the dark than in the wet. This was our first first wet night in Portland, but not our last. Six weeks after our arrival in Portland I waited on the governor and told him that I saw the prisoners on the landings over our head in the hall hang their bedclothes on the handles of their galleries every day to air, that our clothing was not taken out of the cell or hammock since we occupied it. He gave an order that we should spread them in the yard before going to work, and take them in on our return, fortunately is never raised on them but once during the remainder of my time in the quarries. We had no prison for some time after our arrival in Portland; we had one hour for exercise on Sundays, but none for prayer; about 9 a.m. we left our cells, marched off a few yards distance to a kind of *cul de sac* about 100 yards in length, and a few feet in width, with a high wall on one side and a high mound on the other. In this alley we were drawn up in line, cap in hand, to attention, with too often a hot sun glaring on our bare heads; we often had to wait 20 minutes in this position till the governor and doctor were pleased to come to look in our faces. As soon as the governor left us, and this exhibition over, we were ordered to the closet at the end of the alley and warned that "now" is your time; if you don't go to the water-closet now, "reflect you can't go to the one in your ward, so" "avail yourselves of the opportunity while you have it." We were 23 in number, one half of the hour would have expired ere this order could be executed. Some would be drawn up in line outside the closet waiting for their turn, the remainder were permitted to walk up and down the alley two by two with strict orders not to speak to the men behind or before you under pain of bread and water, and punishment cells. At the expiration of the hour, before 10 a.m., we were back in our cells, and locked up till near 7 a.m. Monday morning. This is how we spent our "One period of exercise on Sundays."

I have said our cells were barely 7 feet by 4, flagged, roof and sides sheet-iron; on the dark side you could not read your book, more especially in the cell I occupied, for the bridge across the hall came right over the top of the door, excluding the light it was supposed to receive from the skylight above on the roof of the building. There was a gallery running over the doors of all the cells; since had both gallery and bridge. In this dungeon we spent 27 out of the 28 hours that elapsed from the time we entered on Saturday night till we left for the quarries on Monday morning, with maybe a pot of excrement at our feet for hours; for if we did not excrete, or could not, or had not time to do so when we were out in the alley, and wanted to do so after been locked up, we should use the pot in our cells, a little before supper time your door was unlocked, when you would have the opportunity of emptying it, but if you used it after that you could not empty it, for you were then locked up for the night, and your door not opened till morning. Many of my friends were pumped occasionally; Mr. Luby used the gravel, and it disagreed with him and occasioned diarrhoea; ever afterwards he had a pail of water from the tap for supper. I have seen small black creatures half an inch in length flow from this tap weighing about in the water. The officer said they were young toads or frogs, that the water was sure to be good where they were, that they were good to eat; that he knew one prisoner who would have his hat once poured on top of them into his pail, covered them up for a short time, and so had them stored for breakfast. A great improvement he said.

Our cell doors were unlocked in the mornings 3 or 10 minutes before we were marched off to the quarries. The morning after I had complained to the director of the conduct of the officers in charge of us, one of them, a Mr. G.—the man that had solicited the charge by the governor's orders that got me two days bread and water, and no bed but the bare boards for two nights—this man unlocked my door, but did not throw it open, as he was wont to do to all the doors, and as he did do to the others on this morning; when Mr. G. did open my door my boots were

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W.F. Ransome. not been to please him; he said he would report me. When a prisoner is reported he is locked up in his cell or "the cells" till the case is decided, which may be one, two, or three days, perhaps longer (never less than one day). On the next day at noon I was taken before the governor and charged by Mr. G. with not having my boots properly laced the previous morning on parole. I told the governor that my cell was so dark I could not lace up my boots in the way he wished me to do; that Mr. G. unlocked my cell door, I opened it and was on my knee lacing my boot when Mr. G. came and shut the door to; I told him I could not lace my boot in the dark, so allow me to open the door a few inches, for two or three minutes. Mr. G. would not, and I had not my boots laced to please him. The governor remanded the case and said he would look at my cell. On the following day, noon, I was again brought up and the governor told me he was in my cell on yesterday; he admitted it was dark, but thought I could manage to lace my boots if so inclined; that he could hear his boots in it and the door shut. I said, "If he had my boots with my eyes to see with he might find it impossible to lace them, to properly lace them, and not only to lace them properly but to lace them so as Mr. G. could not if he wished first fight with them, for if he told him that they were not properly laced he would believe him notwithstanding all I could say or would say to the contrary. He would find how difficult it would be to lace them properly, especially if he had but a few minutes to do them; in the haze of the morning too before 7 a.m. That my door was thrown wide open every other morning as all the doors were." I asked, had the officer orders to keep my door shut? The governor was silent. Mr. G. then said I was inclined to be unruly when he shut my door. I said, "Tell the governor what I have said or done. I have already told him all; can you add to it? What do you mean by unruly? Mr. G. was silent; the governor was pleased to dismiss the case more than 48 hours after the charge was brought against me.

I have already spoken of the treatment I experienced from the medical officer of Pentonville prison. The subordinate officers of Pentonville when stripping me and treating me in the very exceptional manner they did, told me they were not obeying orders. I have reason to believe the men told me the truth. The food in Pentonville, such as it was, was not of bad quality. The food in Portland was very much inferior and served to us in filthy stinking dinner tins. We had a zinc water-cup, wash-basin, and urinal in our cells; these we would keep clean, but that would not do, they should be bright; and when we did get them bright, they did not do; the officers our taskmasters, they would have them brighter and more bright, which was an impossibility; still it was their pleasure that we should keep rubbing. We were supplied with tooth brush and whitening for the vessels we washed and vacuanted in, while the vessels that our food was served up in, probably years in use, never had a proper washing since the day they were made. The secret of all this was, that visitors would admire and praise the cleanliness of the prison when they saw the bright urinals, etc., which they could not avoid doing if they passed any cell, for it was arranged in a most conspicuous position to catch the eye; but if anyone of them took a look at the dinner cup or passed within sniffing distance of it, they would modify or alter their opinion respecting the cleanliness of the prison. They would see that there was more regard paid to outward appearance than to real cleanliness or the sanitary condition of the prisoners. One must be very hungry indeed when he makes use of bad food, even if served up in the cleanest of vessels. One must be familiar with it, or have served some time in an English convict prison, a distinction without a difference, to eat the prison food served up in a Portland or Woking dinner tin.

Once for all I will describe for you the round of duties and labours which a prisoner has to perform daily, and every day while in penal servitude. The prison bell rings at 5 o'clock a.m., when all prisoners

rise from bed, dress and prepare to empty their slops, when the officer unlocks the cell doors at a quarter past 5. At Portland, two or more prisoners in the hall or ward were detailed each week as *ardrecs*. Those *ardrecs* had to go round in the morning as soon as the cell doors were unlocked, take a large two-handled tub to each cell and collect the urine and other slops which each prisoner had in his urinal. This done, the *ardrecs* had to sweep up the floor, dust the doors, clean the water-closet, lighten the brasses, select the wander to serve out the breakfasts and do any other incidental jobs requiring to be done in the ward until the bell rung for the warders to go to breakfast. The *ardrecs* are then locked up in their cells in common with all the other prisoners in the ward at about half past 5 or 20 minutes to 6 a.m. The bell rings again at about a quarter past 6, when all the cell doors are unlocked and the prisoners marched to chapel. Fifteen minutes are allowed for prayers, and at a quarter to 7 o'clock the bell rings for labour, when all the convicts are paraded, mustered, and searched before they are sent to the works, where they are kept incessantly toiling from 7 o'clock a.m. until 20 minutes to 12 o'clock, when they are marched back to the prison, again paraded, mustered, searched, and locked up in their cells. "Dinner" is then served. This consists on Mondays and Saturdays of 5 oz. of beef, not without bone, which was always tough and bad in Portland, and I may add in Woking too, and often tainted, one pound of potatoes, seldom or never good, and 5 oz. of bread; this is an able-bodied convict's dinner at hard labour, not invalids is less in quantity and worse in quality. On Tuesdays and Fridays "dinner" is a pint of shin of beef soup, 5 oz. of bread, and a pound of potatoes. This soup is horribly nauseous stuff, the "shin of beef" from which it is made are shin bones with the shivers left on and the meat cut away from them. I had the opportunity for near 12 months of seeing them every week in this prison before they were taken to the kitchen, and I never saw more than three or four out of every 12 that would have any meat on them. I have, while in the infirmary here in Woking, got 5 oz. of this meat cut off the shin of beef served to me for dinner on "rest beef days." I have often had it for dinner when I was not in the infirmary. "The dinner" on Wednesdays consists of 5 oz. of mutton with bone, 5 oz. of bread, and a pound of potatoes. This mutton is generally better than the beef. On Thursdays each able-bodied prisoner at hard labour gets one pound of boiled dough with a little of the inside fat—not the kidney part—of some animal or other in it, and this very often rancid; this is called "meat pudding." On any one of these dinners the prisoner has to work incessantly at hard labour in the quarries until half-past 5 p.m., in the scorching sun and piercing cold, frostbitten and shivering if we opened our lips to each other, or attempted to rest one of our feet upon a stone raised a few inches from the ground, though doing so would only facilitate instead of impede our labour; but it was evidently deemed as so much importance to shiver and perish as to work and starve us. At half past 5 o'clock p.m., or 20 minutes to 6, the prison bell rung to leave of labour, when we were again marched back to the prison, paraded, mustered, searched, and locked up in our narrow cells. "Supper" was served out about 6. This consisted of 6 oz. of bread and a pint of gruel for each prisoner in the probation and third class and for those in the second or first class, a pint of what was called tea, and 8 oz. of bread. The breakfast of an able-bodied convict consists of 12 oz. of bread, and three-quarters of a pint of cocoa; on this he has to subsist and labour in summer and winter, in wet, cold, and hot, until 12 noon, when he returns to the prison to "dinner." On this "breakfast," "dinner," and "supper" that I have described, the *big men* and the *little men* had to subsist for the 24 hours, and labour hard for more than half that time, as we had to do in Portland; for when we were not toiling in

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the quarries we were working hard in our less 7 feet by 4 cells at our cell windows, viz.: one urinal, wash-basin, and water-can (of stick, one knife, plate, pot, candlestick, candlestick, tongs, and "saw all" (of tin).

All of these were in a most filthy state when given to us; the zinc vessels were thickly coated with oxide. The officers in charge of us said we should have them "shining like silver" before a week, though the only time we had for cleaning them was before we went to and after we returned from the quarries, and the means afforded us of "shining them" "shining like silver," a couple of flannel rags, and flannel rags, as everyone knows, will not furnish vessels that are enameled, nor even dry them. Our officers knew this, but if they gave us the means of brightening them they would not then have the pretext for abusing and worrying us about them. The pretext for abuse was not that these cell windows were not clean, but they were not *shining like silver*, though the metal was comparatively cleaner and smoother than the tin in which our food was daily served to us, for the criminals sometimes used them as privies sooner than dirty and have the trouble of cleaning their own urinals; so if they left them dirty after their use in their cells they would be reported and punished with bread and water. If a prisoner's bowls were suddenly soiled as while locked in his cell during dinner-hour, or on Sundays or other hours, he had to use his cell pot. This he could not empty until his cell door was unlocked for labour or for chapel, when he had scarcely time to go to the closet, empty his pot, and return with it to his cell before he was ordered to fall in for work or chapel—an order which had to be instantly obeyed under pain of bread and water, and punishment cells, and other penalties, and if he left his cell pot unemptied in his cell he was reported and punished in the same way. Criminals finding it impossible to obey rules incompatible with cleanliness, and not only contrary to but absolutely ignoring the calls of human nature, make privies of their dinner tins to scrape bread and water, punishment cells, and other penalties. I have heard criminals in this prison say they had often made water in their dinner tins, and would exclaim to them, too, if they had occasion to do so; but if the criminals never excreted in these dinner tins, the filthy condition in which they are kept is sufficient to cause them to drink, even if the food which is served up in their dinner tins, which it often does. If you or any other visitors here ask to be shown a dinner tin, the officials will be sure to show you a new one, or one cleaned for the purpose of inspection, but if I am permitted to take you to see the dinner tins before the authorities, to see what I have here stated, I will prove to you that what I state is literally true. I have been told the Commissioners have been shown the dormitory in F. ward, where the political prisoners now at labour are confined, and that I am sure the authorities omitted telling them that it was especially gotten up for their inspection. The beds upon which the political prisoners lay were removed and new ones put in their places, and the blankets, which had not been washed for years, were changed and clean ones put in their stead. I have witnessed in this prison the process of cooking the food, and the "dressing" of the tin it is served in, for I spent part of two days in the cook-house here. The skin of beef soup is a horrible decoction of dirty,

rusty bones, and dirty, half-decayed vegetables, with any gruel that may be left after "supper." This mess is boiling for 16 or 20 hours and it is served to the prisoners. The dinner tin of the able-bodied prisoners are first filled from the boiler, and then water is added to the remainder as served to the invalids. I have seen this done. You will doubtless think differently, and may not think this soup had from the sample prepared and shown to you; for I have a right to conclude that what you will be asked to pronounce upon will be specially prepared for you as I have seen it prepared for the governor to taste. But if you were to come unexpectedly some weeks, hence on a Tuesday or Friday, and go directly to any prisoner's cell at dinner hour you would agree with me as to the quality and composition of this "skin of beef soup." The food of every description in this prison, except the bread, is far worse than what it was in Portland, and in Portland it was much inferior to what it was in Fentonville.

I will here relate what I have heard an officer, at present in this prison, say one day to the officer in charge of the party I was working with, cleaning the great yard. The contractor's waggon was coming in at the gate with provisions; the waggoner took out of the waggon some fowls, rabbits, or hares, and other small game, and left them on the ground inside the gate, in charge of the gatekeeper, till he delivered the provisions he had for the prison. The officer I speak of was present, and spoke to the waggoner. I did not hear at the time what he said to him, but he came right over to where I was employed, and told the officer in charge of us, in my hearing, that he said to the waggoner, "Tell Messrs. Capeman and Lucy that 'my ass is ———, and that they have as good a right to send me fowls and game as they have to 'Captain Bready, Doctor Campbell, or Mr. White—' man, the steward.'" This little anecdote may give the clue to the reason why the food supplied to Working Prison is so bad, and so much inferior to what is supplied to Fentonville.

A prisoner must be two years in prison and free of reports before he becomes entitled to "tea" for "supper," and if he does not or cannot keep free of reports, or if the officer in charge of him wishes to persecute him, or is ordered to do so by the governor, as Mr. Wilson was wont to order the officer in charge of us to do, namely, to report three or four of us without having violated any rule or order, I could not fix a period when a prisoner so persecuted would be entitled to "tea," or to an additional hour's exercise on Sundays, or to write to or receive a letter or a visit from his friends. The fact is, if the governor, or even the common assistant warden, wished, either could by fitful reports deprive any prisoner of the remission of sentence allowed by the Secretary of State, on condition that a prisoner does a certain amount of work daily. For instance, a prisoner sentenced to 10 years' penal servitude is supposed to gain remission of one fourth of his sentence if he does a certain amount of labour daily, and is otherwise free of reports; that is, he would be or ought to be, liberated from prison when he had undergone seven years and six or seven months penal servitude; but if the officer in charge of him acting in the capricious or mischievous instructions of the governor, as the officer, Mr. G., did in my case in Portland, denied that this prisoner or those prisoners did fully the amount of work required, the prisoner or prisoners would have to undergo his or their whole sentence; or, suppose the officer admitted

* The food is the same whether and warmer in quantity and quality. In common with several of my fellow-prisoners I found it very beneficial in the summer; three months I worked in the quarries. The coal was amongst us as able to eat the whole of his food in the winter weather; you may judge from this what the bread, big, healthy, young, and able men among us must have suffered from hunger while taking in the quarries in the cold and frost of winter, or what I must have suffered during my time, then three months' hard labour in the quarries, and I with an insupportable appetite, suffering from indigestion, and being every day large quantities of blood.

† Two hours after dinner one of the prisoners in the kitchen takes a dinner tin in each hand, strikes them for a second or two on a wooden trough of water, and then turns them bottom upwards on the ground piled on top of one another; this is all

the cleaning the vessels or emptying them, they are never rubbed with a cloth or dried inside or outside; the porridge served in them is floating in the grease from the dinner of the previous day, if the matter on that day happens to be fat. I have often got it this way floating in oil, and sent it back once by Mr. Green, the officer of my ward, for dinner as I was told it was giving a great deal of trouble. I sent it back another day with some of the preserved peaches adhering to the inside of the tin, and they turned the porridge out of the dirty tin it was in, and sent it back in another.

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that the prisoner performed his task, but kept repeatedly reporting him and punishing him with bread and water and penal cells for frivolous offences, such as spending, &c., &c., that prisoner would forfeit all the recreation he had earned by hard labour in the quarry, and lose his health as well, perhaps, from continual punishment on bread and water. I myself have seen examples of this in prison. It is one of the hardships incident to the condition of a prisoner undergoing a sentence of penal servitude, and one which myself and fellow-prisoners bitterly experienced when I worked in the quarries at Portland. While I was in that prison we were almost and worked in the morning, at dinner hour, and in the evening after we returned from labour, about our cell or about our cell outside. The officer would stand round, spying into each cell to see if we happened to take up a book to read, which we seldom did, for we were too fatigued and exhausted. My cell was too dark for me to read. Some of my fellow-prisoners did take up a book occasionally; the officer saw them more than once, suddenly unlocked the door, snatched the book, and compelled them to set to and unravel the nine vessels in their cells; or, if the warden asked him, he would take them out and cut their hair close to the skull in gaps. Through them our hair was never allowed to grow more than half an inch long. Sometimes he would find fault with the way we were shaved, if we did not shave up to the eyes and below "Adam's apple" in the throat. One of my fellow-prisoners, Mr. Underwood O'Connell, got one day's bread and water for not shaving below this apple. We were as completely in the hands and at the mercy of the officer in charge of us as if we were his slaves. Whatever report he chose to prefer against us was believed, though we were prepared to prove it to be false by the unanimous testimony of all our fellow-prisoners; and any charge preferred by us against him was as sure to be disbelieved by the prison authorities. The wardens over us possessed the powers of despots, and were encouraged and rewarded for their cruelty. Their animosity and acquired prejudices against us as Irishmen and "rebels" were fanned and stimulated. Prompted and encouraged so by their superiors, who, thirsting for vengeance on the "Fenians," and not finding them affording opportunities of satisfying that vengeance by misconduct, even in the prison and sense of the word, or by in any way violating any of the rules or orders of the prison, would order us to be brought up for punishment purely to gratify the desire to punish us. The officers in charge of us were specially selected for their sadism and severity to criminals; they knew the wishes and hardly needed the instructions of the governor to fabricate reports. Reports and punishments were frequent. We led the lives of dogs in the quarries and out of the quarries. A number of us had to report the matter to the director (August 1866). I asked him had we any redress, and he answered "No." The wardens were removed; if they were not, we were determined not to do any work for them. But it was not the wardens that should have been removed but Mr. Clifton, if not acting under the orders of the Home Secretary, which he said he was; if so, to what purpose am I preferring the accusation which is so he weighed and decided by the Secretary of State? I confess the whole affair puzzles me. The Secretary of State appoints a Commission to inquire into his own conduct, and to report the result of their inquiry to him for his own decision. If I condemn his action, is it likely he will improve my condition? If he were the author of my persecutions and punishments, he cannot now remedy the irreparable injury done to my health, nor would it be wise of me to look for the smallest redress or reparation. But as I have begun I'll go through.

An officer in Portland Infirmary told me that he was in charge of a party of men on the works, they came across a bed of meat and he could not keep the men from eating it. On another occasion they came across the almost putrid carcass of a sheep,

they rushed at the carcass like wild beasts, tore it in pieces and devoured it. He knew of one young man who died from eating the garbage thrown out on the dungheap, kitchen offal, &c. There would be plenty of such cases every hour and day in the work, if the officers didn't put a stop to it. If the men are reported for eating such things they get bread and water. "There is a man," said he, pointing to a patient, "and there is nothing the matter with him but hunger; he eats all the possibilities he can by hand on a limited-meal or instead, no matter how dirty they are." Another officer told me they took on candles as a luxury; some eat them as they ate, others melt them in their hot cocon or tea, others again melt them, letting the grease drop into their basin of cold water; this they call making butter, for it purifies it a little, the grease cooking on top of the water, but candles are a luxury they can seldom enjoy, for they are served out sparingly and the prisoner watched too closely.

The dinner table in the Portland Infirmary were clean after I was placed in the room among the criminals, for to clean those was one of my many occupations for some weeks before I left. I cannot say they were ever cleaned before I got the job, nor do I know if they were ever cleaned since. I had one advantage by being in the room for I would get my food hot and at the regular hour, which I did not when I was locked up in the cell. It would come up from the kitchen in the tray with the other dishes. Mr. G. would be hungry at the time. The carriers would leave the tray on the lobby with my dinner in it and sit down to their own. Mr. G. would very often forget to bring it to me till it was cold, and then one half and more of my chop would be gone, as was often the case. The cook or some one else out my chop in small pieces, as I was not allowed a knife to cut it for myself, so I could not well blame any hungry prisoner passing by the tray for stooping down and helping himself. As I could not afford to lose any of my allowance I spoke to Mr. G.; he said he would order the orderly to leave it outside my door in future till he, Mr. G., was ready to pass it into me. The governor came to my cell one day and found it outside the door, asked why it was not put in at once. Mr. G. made some excuse or other. The governor said, "It must be cold now." I told the governor it would do. If I told him it was an almost daily occurrence he might have put a stop to it, and Mr. G. would naturally make my life more tolerable, as it was in his power to do. I noticed that if there was a criminal in the adjoining cell I would get my dinner at the proper time for Mr. G. would come to wait on him. He never then came to wait on me to dinner and my food lying outside the door till his return. One day he said to me, "Why don't you knock at the door when you hear your dinner left outside? I have a great deal to do, seeing that the prisoners' dinners are right, and when there is only one cell occupied, one man here, I forget him." I said, "I do knock." He said, "You must knock loud." I said, "One day I heard an officer speaking outside, I knocked and he took no notice of me." Mr. G. replied "That officer had no key, I and Mr. S. are the only two in the infirmary that can open your door. I wish you were in one of the rooms, I have a deal of time in coming to you as often in the day." I said, "Meditations and carteries are the only times you open my door in the day, and then I don't detain you a moment." "Yes," said Mr. G., "I come every morning when the orderly cleans your cell, that is 15 or 20 minutes lost." I asked, "Is it necessary to stand over the orderly when you have other business to attend to?" "Yes, it is necessary," said he. I did not know then why he said it was necessary; but I do now. His manners compelled myself and fellow-prisoners to herd with the vilest of the vile, thieves, murderers, gamblers, beasts, sodomites, &c. It is necessary that no two of these should be left together for a moment. Our keepers treat us as if we too, we Irishmen, were capable of committing the latter crimes!

See Report, Part III.

See Mr. O'Connell's evidence, Qs. 273-28.

I have already alluded to my last interview, on the eve of my leaving Portland, February 1857, with the governor of the prison, Mr. Clifton. He told me that I was reported by order of the director for kicking my door in December of the previous year. Now in the first place it would be very absurd on my part, and I begging the favor of an interview with the director, to commence by kicking my door. I had a complaint to make to the director. I told the officer so; I heard the director visit the prisoner in the adjoining cell, as he did the day before. I heard him pass my door and go into the doctor's office. Thinking it possible that Mr. S. had forgotten my application, I tapped at my door to draw the attention of the director or any other officer who might happen to hear me. If I had a bell I would have rung it, or any other way to signal an officer when I wanted to see him, as the cells in other prisons have, I would have used it. I had no other way of calling an officer but by rapping. I had Mr. G.'s instructions to rap, and to rap loud. I rapped no louder than I thought it necessary for my purpose. I was often compelled to rap louder than I did then. When Mr. G. told me the director was gone, I rapped again. After some time Mr. G. said from the outside, "What do you want now?" I replied, "When you brought my dinner, near two hours since, you told me you had forgotten the bowl of arrowroot and said I would have it in a few minutes, I didn't get it yet; please to send it to me." I rapped once more when I heard the director leaving the office. I only did what no one in my position could avoid doing under the circumstances. I only did what Mr. G. had instructed me to do when I wanted to draw the attention of an officer, and for doing what no man could avoid, for acting according to instructions I, an innocent, sick, and in prison, was not permitted to write or receive a letter for more than 12 months, and deprived of 12 days' remission. I was leaving Portland. One year of misery, one year of torture, cruelty and brutality, was not sufficient; Mr. Clifton would inflict more, and he did, not only on me, but on every member of my family, my aged father, my wife, my little ones. It was his will and pleasure, and unhappily for me and mine, it was in his power to do so.

My poor friend, Mr. Carey, who unfortunately for himself reported Mr. Clifton to the director for telling the officer, Mr. G., to falsify the charge he brought against me and others, was a powerful vigorous man, mentally and bodily. Two years after bringing this report Mr. Carey was sent on here as inmate and a house.

I arrived at Woking Invalid prison in the afternoon of the 9th February 1857. On my arrival (although an invalid) I was taken into a passage leading to the chapel and stripped naked. This exposure was not so public now so disgustingly intimate and indecent as the way I was subjected to at Pentonville, or the way I experienced in Portland the day of my arrival. I saw the assistant surgeon, Dr. W.; he said he would show me to the infirmary. There were four of my fellow-prisoners in Woking. I was placed in a room with six of the criminals, who were manacled and chained to me on the route from Portland.

The following morning I was brought to the infirmary ward. My friend Mr. Kirkham and another of my fellow-prisoners were in an adjoining room containing three beds. I got one of the beds, an old criminal was removed to make room for me. This apartment was fitted up as a scullery, and although the word scullery was expunged, and the word dormitory printed on the door, when my fellow-prisoners came to occupy it, it was still used as a scullery and also as a bath room. It had two sides with four taps for hot and cold water, the patients of both wards E. No. 1 and 3, about 70 men, bathed in it once a week, and some others; not an hour, hardly a minute, of the day passed but they were in for hot or cold water; the sinks were the receptacles for their dirty water; the stench from them was sickening, belching up now and again

night and day, with a loud gurgling noise. If I made any objection to this room I would no doubt be placed among the criminals, and one of them sent in to occupy the bed I had vacated, to make three in the room as a precaution against my two fellow-prisoners committing the horrible crime of suicide upon each other.

When Dr. Campbell, the head medical officer or surgeon of Woking Invalid prison, looked at the piles, he prescribed gail ointment, and small doses of castor oil every morning. For the disease in my face Dr. Wilson prescribed ointment, creosote I think; my face had a dry scurf on it, but no sores when I came from Portland; the piles were not bleeding much. The weather got very fine, I feared that the damp of my "dormitory," the effluvia from the stinks and the steam from the boilers would bring on another attack of the fever and ague I had in Portland, so I asked Dr. Campbell to discharge me five weeks after my admission, which he did. I was placed in the "kitchen shed," an underground apartment, with two water-closets without lids or covers, and a grating within three paces of the door. Here I found three of my fellow-prisoners in the midst of about 100 criminals, all engaged at picking oakum or knitting stockings. I told Dr. Campbell that the stink in the shed would aggravate my disease. He said he would recommend me to a more active employment. In a day or two after I was taken out of the shed, a bucket of water, brack and flannel given to me and ordered to sit to and scrub the soles, legs, and hands of the prison. I saw Dr. Campbell again and said, "I preferred sitting in the shed with my fellow-prisoners, to being in my knees scrubbing the floors with no one but criminals for my companions." Sitting is bad for the piles, but the scrubbing was very much worse, the stooping would aggravate the pain in my loins, and being on prolegs and hemorrhage, the stooping in water two nights occasion a return of the ague. Out of two evils I would choose the least; with his permission I would return to the shed, if there was no more suitable employment to give me. I went back to the knitting. Nay, I was taken before the governor Mr. Bramly, and charged by officer, Mr. W., with having a piece of newspaper in my possession. The officer said, "He saw me in the closet reading it." On asking me for it I hesitated in giving it to him. That when I gave it to him he saw "what it was." I said, "The officer says he saw me reading it, and admits he didn't know what it was" till I handed it to him. Now, if he saw me reading it, he would certainly know what it was. I was not reading it, but was about to make use of it, for I had no other paper. I asked the officer for the smallest portion of it and he refused me; it was too small to turn. I could not suppose that a piece of paper like that was contrary to the rules. The governor said, "The punishment awarded to a prisoner for having a newspaper was three days' bread and water, and 25 days' penal cell diet with other penalties." I said, "That dirty scrap is not a newspaper; not the width of two palms; not a week's paper but you may pick up bigger pieces than that lying or lying about the grates." I was remanded. I was brought up again the following morning. Before I saw the governor I was hurriedly taken back to my cell, and in an hour or two taken out again, brought up to Dr. Campbell's office, where I saw two very courteous gentlemen, who told me they had some questions to ask me relative to my medical treatment in Portland. I wished to have paper to give them a full statement of all I could recollect, but the gentlemen said the time was limited. They had not heard anything from me of this prison, and very little of any other. I happened to mention the name of Woking. The door opened. Dr. Campbell entered and said, the carriage was at the gate. The gentlemen hurried away, leaving, as I understood, they might be late for the train. I thought at the time they were two gentlemen of the Board of Directors. The following morning I was again taken before the governor, who said he would not punish me for scrap of paper as it was my first offence; so I was discharged after been more than 60 hours locked

W.F.F. Brewster.

19 Aug. 1870.

H.F. Ruxton.

12 Aug. 1870.

up in a cell without exercise, and the governor considered that no punishment.

A short time after this the disease on my face broke out in the most virulent sores. Dr. W. admitted me to the infirmary, saying, "You have it long enough, I must get rid of it." I told Dr. W. that the doctors in Portland, I was told, called it scrofula; that it first looked like a ringworm, but not as well defined. When the sulphur lotion was applied it shifted an inch or more, gathering into a hard lump under the skin. It seemed to me as if they were sinusculi gathered together. A stinging pain occasionally, a violent itching, feeling as if the creatures were moving about under the skin. The disease, when I left Portland, was on my chin, under and upper lip. On applying the lotion the parts affected would swell; the skin got scurfy and cracked. Once the assistant surgeon at Portland applied a dark liquid, and ordered me to wash it with water immediately after the application, but it did no service. I saw many of the patients having the disease with open sores, the matter flowing from them. This matter, I was told, was full of animalcules. The assistant surgeon counted it with a microscope. Dr. W. told me it was not scrofula; that there was no animalcule; it was a fungus. When Dr. W. admitted me to the infirmary, in June 1867, he examined the piles and said they were not incurable; that I had prolepsis of the intestine also. I said, "Is it what comes down in the centre between the piles?" He said, "Yes." I told him Dr. Blaker called them inner piles. Dr. W. said, "Oh no." This occurred to me for the pain now down in the bowels. Dr. Blaker had applied caustic to my guts when they came down between the piles. I shudder when I think what would have been my fate if I had submitted to the operation of the knife, and thank God for having preserved me from so miserable an end.

Dr. Campbell was on vacation when I was admitted; I had *full diet*, half pint of porridge and vegetables. I spoke to the governor of the stench arising from the sinks in the scullery, where I slept. He ordered two plugs; those corks were little use in the daytime, for there was always some one coming for water or emptying their vessels, so that the plugs would not be left in a minute. On looking days the place was crowded, filled with steam and stink; on scrubbing days I have seen as much as six drawing water, or waiting their turn, and all chattering away, and one of my fellow prisoners lying so sick as to be thought dying. It was in this place that poor Mr. Lynch ended his misery. He, too, was treated exceptionally. If he were a criminal convict, like Sir Colling Randly, he would get the benefit of the rule of the House Office relative to the release of invalid convicts whose health was likely to become permanently impaired by prolonged imprisonment. But what wonder that Mr. Lynch, who was only a few months in prison, did not get the benefit of this rule of the House Office, when some of my fellow-prisoners now in this prison, who have been years in penal servitude and troubled for phthisis, have not been released according to this rule, though I believe everyone admits that phthisis is a more formidable disease than chronic bronchitis, for which Sir Colling Randly, though only a few months in prison, was unconditionally released. If this be not endorsing a disregard of the conditions necessary for health and grossly exceptional treatment, I don't know what is? That they have been invalided for phthisis is beyond doubt or dispute, as I saw it marked on the medical case sheet furnished by the medical officer of the convict prison. I myself had to lie a week in bed, and my bed within three feet of one of the sinks, and my fellow-prisoners the like distance from the other. I got as I feared a return of the fever and ague, my appetite failed and the bleeding increased, my face was in a shocking state with sores; Dr. W. gave me *low diet*; he wanted to give me more. He gave me a pint of beef tea, but I could not touch it; the very smell of the meat and dinners coming up at noon would sicken me; I was thirsty and wanted something solid. Dr. W.

gave me a pint of lime-water or lemonade daily; this was the only thing I had any desire for. I have had often within the past three years a similar attack, but not so bad as the one I had in Portland.

When Dr. Campbell returned, after six weeks' vacation, he found me in this way. I had not eaten anything for five days but a spoonful or two to arrowroot, some days not even that much. The officer, Mr. F., told Dr. Campbell that I was not using my food, nor even the beef tea. Dr. Campbell said, "Not taking beef tea, I will give you mutton broth." I told Dr. Campbell I could not use it. He then wrote down *2nd diet* on the ticket and left. Two days after this Mr. F. told Dr. Campbell that I was not eating any food. I then told him that I had not eaten anything for five days; I was beginning to make use of the arrowroot and you take it from me and put me on second *diet*; I have no desire for any food; please to give me *low diet*. Dr. Campbell said, "You can't lie on *low diet*." I answered, "It is more than I have eaten these ten days; I think I could use the arrowroot now if I had it."

In a few days after Dr. Campbell felt my pulse for the first time since my arrival from Portland; he told me then he would give me anything I asked for. I said, "If I had a little chicken or chicken broth I might 'take it.'" He said, "I can't give you that, I will give you a mutton chop." I said, My stomach is in such a state, that the very smell of mutton sickens me. I am losing a great deal of blood and feel very weak; my face, too, is very bad; Dr. Campbell then said, "You can't but be weak when you can't eat meat." He then left me. A little bread would have been a great service to me then; I wanted a stimulant, but didn't get it. The following day I think he gave me two eggs and a half-ounce of butter; a short time after I got a mutton chop. Between two and three weeks after I told him my appetite was improving, that I could eat more bread. He said, "I can't keep you on *this diet* any longer." I replied "If you don't think I require it, take it from me, I wouldn't beg my life from you or anyone else." Dr. Campbell then said to Mr. F., "Take a note of this. You are a disappointed man." I said, I have not expressed any dissatisfaction. I have a mutton chop, two eggs, a half-ounce of butter, pint of mutton soup, and eight ounces of bread daily; I asked you for another four ounces of bread, and you tell me that you can't keep me on that diet." He then said, "I will give you *full diet* and *half-pint porter*." I said, "I can't drink porter." He wrote *full diet* on the ticket and left, saying to Mr. F., "Take a note of this." In a half-hour after I was weighed, *full diet* scratched off the ticket, and the other put on again with four ounces of bread extra. I must have lost largely in weight, or the change would not have been made. The weather was very fine; I was getting back my lost appetite, and felt much better. Dr. Campbell ordered a close stool to be placed in the room for me to use, so as he could see the blood I was losing. I had to use this in the presence of my fellow prisoners, criminals coming in and out too, and keep the blood and matter till the doctor came to see it; the weather was warm, the sinks very offensive. The stool did not add to the purity of the atmosphere. I asked Dr. Campbell to permit me to occupy the cell in the ward, as it was not pleasing to me to sit and encrust in the presence of my fellow prisoners, and keep the offensive matter for hours in the room. My fellow prisoners were angry with me for making the application, for the close-stool and its contents was not held so offensive to their presence as the society of the criminal who was sent in to occupy the bed

* Second diet is the coarsest and least nutritive of any other diet in the infirmary, something like light labour diet. Dr. C. had heard from the officer I was not using my food, and he gave me second diet.

† Many criminals in the adjoining ward had, at the time, much better food.

I had wasted. I had gained a little strength, the sores in my face were partly healed, but the disease had not lost any of its virulence; it was to all appearance better, but it was only the more deeply rooted in the system.

I have alluded to the interview I had, May 1867, in Dr. Campbell's office with the two gentlemen, who asked me a few questions relative to my treatment in Portland. Some time after this interview I heard that they were the Messrs. Pollock and Knox, commissioners appointed by the Government to inquire into the treatment we political prisoners had experienced and were receiving in English convict prisons.

I waited on the governor in the morning, asked for a sheet of paper to draw up a statement to be forwarded to the Commissioners. I was not prepared to make a statement the gentlemen came so unexpectedly; that there was yet many things I wished to bring to their notice. The governor could not forward any statement to Messrs. Pollock and Knox, nor could he order me the sheet of paper; I should see the director. A few days after this I was again taken to Dr. Campbell's office where I saw Mr. Pollock, one of the commissioners, seated with Dr. Campbell. I had heard that Mr. Pollock was a medical gentleman. I begged that he would look at the piles and examine me; he was about to do so when Dr. Campbell said something to Dr. Pollock in an undertone and he declined to examine me. Dr. Pollock asked me about my appetite and the food; I told him I had more food than I could eat, that it was not quantity I wanted, it was quality; that the warden I got the more improved my blood became, the more of it I lost; that I required the best nutritive food to sustain me. Dr. Campbell then told Dr. Pollock that he had procured for me a very suitable employment, taking up the grass after the mowers. I said, "The hard for a man on prison food and losing blood daily to do any work." I also told Dr. Pollock I had much to say of my treatment that he and Mr. Knox did not hear. Dr. Campbell told me that would do, and I was removed. When the director came the following month, June, I saw him and told him I wanted to write a statement for the Commissioners. He would not give me paper for that purpose, but told me I could have a petition-sheet to petition the Secretary of State. It was not a petition I wanted to write. I took the sheet, but finding one would not do I applied for more and would not get it. I waited till the director came in July, but he would not give me more than one sheet; told there was no use in me writing a long statement, the Secretary of State wouldn't read it. I replied, "Long or short I don't suppose he will ever see it; nevertheless I think it a duty I owe to myself and fellow-prisoners to write it." I wrote, filled up the one sheet, begged for the food I believed necessary to sustain the life of a man losing blood daily. The governor sent for me and said, "I have read your statement; you need not do so, this will go to the Secretary of State." I never expected it would, and told the gentleman so.

A very short time after Dr. Campbell discharged me from the infirmary. On my discharge I applied to the governor, thinking I would get the very suitable employment Dr. Campbell told Dr. Pollock he had procured me. I told the governor that sitting in the shed was very injurious to me; I would rather be mowing up the grass after the mowers. The governor said, "He had enough men mowing up the grass; I could go to the cleaning party." The piles were not so well nor I so strong

as when I left Portland infirmary. This I considered partly owing to my three months sitting in the knitting shed. If I was permitted to stand up and knit, which I could do, or to rest my back against the wall or post, as I saw criminals do, I would prefer the shed, for there I had two or three of my fellow-prisoners along with me, but knowing that the officer in charge, a Mr. W., would not permit me to do so, I had no other alternative but to go to the cleaning party. I could not do the scrubbing. I had to clean all the hand-rails and benches in the prison. Previous to my joining the party there were two men employed at this work alone. I had to help to do the sweeping, to clean the waterclosets and sinks of one part, the waterclosets in D ward corridor, the waterclosets near the officers' mess-room, to carry coal and coke for all the stores and gates in the prison, to do in fact all the dirty work required within the prison doors, and this is the very suitable employment I was sent to after I had written the statement to the Secretary of State. The sick and tall of my varied employments were not enough, but what weighed heaviest on me was the hard and evil wretches with whom I was associated. I had the temerity to speak to one called "Black Jack" and "Cob;" I put my hands to my ears and begged of him to cease his horrible obscenities; and I was told by him, *If I said another word he would close me up*.

We were one day engaged cleaning the Protestant chapel; two men were in the vestry cleaning it; the officer entered the vestry, spoke to the men; they came out, one of them having a Bible in his hand which he left in one of the pews, the officer followed the prisoners out, took up the Bible, looked at it, and asked the prisoner who had it what became of the flyleaf that was in it. The prisoner said it had no flyleaf. When we left the chapel I was called out from the party, taken into a room and ordered to strip naked. Two prisoners had a Bible, the officer supposed they took the flyleaf from it, and one would suppose he would have these two men, if any, searched; but no, I that was not near the men, nor the vestry, nor the Bible, I was the only one out of the party of 12 that was stripped naked, exposed, and gazed at; the criminals were not searched in any way. It was the will and pleasure of officers, Barlett and Ford, that Reescoe should undergo this immediate exposure, this wretched and uncalculated indignity. I was taken before the governor next morning and reported by Mr. Ford for having an old stocking leg on me when I was searched the previous evening. The governor asked me what I had to say to the charge. I said, "that on the 5th of November last, three weeks ago, there was a bundle of old stockings, rotten and condemned as worthless sent to the cleaning party to make use of them; they were found worthless, for they went in pieces in a few minutes, dirtying the floor, covering it with blue woolen shreds; the men gave up using them. It was necessary for one prisoner to hand from the shelf to the other soap, brushes, flannel, &c., when they needed them. I asked this man in the presence of the officer, Mr. Harcourt, to pick me a pair of the old legs lying on the shelf, they were no use lying there and they would be of some use to me; I had an old wound in my leg, and I didn't wish the frost to get at it." The officer told the governor they were condemned legs issued from the steward's stores. One day they had no stockings to give him; he used them once and found they dirtied the floor in place of cleaning it, but that he didn't know I had any of them on my legs. I said, "If the officer didn't hear me ask for them, and see the man give them to me, he was near enough to do so. If the other prisoners were searched they might have found the same on them. I didn't think it was wrong; I was punishing them for coming to the insufficiency of my clothing, which is the same in quantity and material in winter and summer for the knitted and the silk-hatted, namely, a shoddy tweed short jacket and vest without fluting, a knickerbockers of the same material, with legs exposed from the knees down, being only covered with bloody knit stockings, and the want of proper and sufficient

W.F. Reescoe.
12 Aug. 1870.

* I asked the Director, Mr. Fagge, to permit me to take a copy of this statement; I wrote to forward it to my friends. He refused to grant my request.

† Previous to my admission to the infirmary I was for a few weeks mowing after the mowers. I could not then nor can I now do for an hour, or stand still for any length of time, without the pain in my loins increasing. After doing I must be some time moving about before I can stand erect.

See Report, paragraph 12.

W.F. Hooper,
19 Aug. 1870.

food. The officer and prisoners of the cleaning party knew that I am being bread daily. The governor sentenced me to three days bread and water, and 10 days penal sleep, and to lose some number of marks. Three days bread and water, three nights without a bed, and 10 days on little better than bread and water to me in my state of health, in the inclement month of December, was certainly no more or no less than a sentence of death. If not an expeditious mode of killing a man, it was certainly a sure and cruel way of doing so; and of the many ways of killing that I have witnessed in English prisons, it was certainly not the one that I would select if I had the privilege of choosing. Many and many a poor sick dying wretch have I seen during the past three years taken down from the infirmary, or up from the bathing shed—for all the dying men in Woking Insular Prison are not in the infirmary—and for some trifling offence, or perhaps no offence, freed from life and misery in this cold-blooded, cruel, but refined and civilized manner. I told the governor that bread and water and bare boards to sleep on this cold weather would surely kill me. The governor said, "Speak to Dr. Campbell about that; I have nothing to do with it." Dr. Campbell came to the door of my cell. The officer who opened my door said, "Have you any complaints for the doctor?" I answered, "Yes." I told Dr. Campbell of the charge brought against me, that it was necessary to put something on my legs besides the open-worked stockings, from the blood I was losing; the cold affected me very much, and one of my legs had an old wound that I did not wish the frost to get at. I told him of the sentence the governor gave me, and said, two months ago you discharged me from the infirmary. You saw that I was losing blood daily up to the day of my discharge. I did not lose much then, for I could lie down and had facilities for stopping it. I had better food. Now I am losing much more blood, for I cannot lie down when I want to get the piles in, or stop the bleeding. I had from experience that the weaker I get, the more impoverished my blood becomes the more it I lose. Dr. Campbell said, "Ah! you explicate now where you get into trouble." He was turning away to leave me, when I said, "Please to look at me and you will see I have reason to complain." He looked at the piles, said, to use his own coarse expression, "Shove these up," turned on his heel and left me. I was after telling Dr. Campbell that I was lying stretched on my back for some time and could not get them in. Dr. Campbell saw that they were congested, and he knew, or he ought to have known, that it was impossible to "shove these up." Even if I could get them up by shoving, I could not then, the pain was so acute, bear to put a finger near them. When the officer came on that morning to take me before the governor to receive my sentence, I was after coming from the closet and had been bathing with cold water, the bleeding had ceased, I was lying down trying to get the piles in. I had to go with the officer. On my return they were congested from cold, as they always are when I have not the opportunity of getting them in as soon as the bleeding stops. Sometimes, especially in cold damp weather, it is impossible to get them in till I am some hours warm in bed. Dr. Baker, on two occasions put his two thumbs on them, in spite of my remonstrances pressed with all his might and could not "shove these up." I do not think that cutting them out would be a more painful operation than this effort of Dr. Baker's to "shove these up," and twice he subjected me to the torture of it. Fortunately for me the director came to Woking on the very day that the governor and surgeon of Woking Insular Prison had passed sentence on me. He saw me when he came to the punishment cells, and asked the governor what I was there for. The governor told him I had two pairs of stockings on me. I told the director the facts of the case, and begged of him to look at the old rags of stocking legs; they were lying in the governor's office. He asked the governor was I well conducted. The governor said there was no reports against me before this. A short time after this I was unlocked, the

director remitting the punishment, except the forfeiture of the marks. It was well for me the director came to my cell on that day. It was well for me that the governor had forgotten the dirty scrap of paper I was charged with having in my hand in the water-closet, the very place I required the paper. It was well for me too that the Commissioners came to Woking Insular Prison on the day they did, or I would in all probability be locked up more than 52 hours, which would certainly have greatly aggravated my condition, if it did not induce some other disease; for the governor told me the punishment he inflicted on a prisoner for having a paper was 28 days. I suppose I may thank Messrs. Pellock and Knox for my escape on that occasion, and no one of my fellow prisoners have so much or anything to say in their favor, for their visit did each and all of us the greatest possible injury. The stenographer we then made served only to arouse the shuddering animosity of some of our keepers and add to the ever active, unseasoned, infernal malignity, and merciless brutality of others.

After my arrival in Woking I was permitted to write my reception letter. The deputy-governor sent for me and told me he would express it, but permit me to write another, which I did, but was not permitted to speak of my health. This was in February 1867. My wife came from Dublin to Portland to see me, November 1866. After her return she wrote to acquaint me of her safe arrival home. I was by the rules of the prison entitled to receive this letter as I had no answer to the last letter I wrote, my wife coming to see me on receipt of it. I requested her to write on her arrival home as I would not be easy till I heard of her safe arrival. She did write, but as "there was no bad news in it," the governor, Mr. Clifton, a husband and a father himself, did not give it to me; he returned it. So that it was more than three months after her visit, and I heard of her safe arrival, in the answer to my reception letter in Woking. If the governor, Mr. Clifton, had the humanity to tell me that he had received a letter from my wife and would not let me have it, I could infer that there was "no bad news" in it, for he told me if "the letter I was expecting had bad news he would let me have it, not otherwise." It would have given me to my mind if he told me so, and strength to my body also. I wished to bring this to the notice of the director; I "put down my name." The then chief warden, Mr. Williamson, sent for me and asked me what I wanted to see the director for, I told him, and he refused to let me see him. I did not see the director till the following June. I told him all this; I begged that he would investigate the charges it was Mr. Clifton's will to bring against me. The director said he could not investigate here what passed in another prison. I begged of him to look at the books or my caption sheet, and he would see how terribly disproportioned the punishments awarded by Mr. Clifton were to the offences, even if I was guilty, which I was not. The vilest criminal would not be treated as Mr. Clifton has treated me, for even if guilty, the offences were but trifling ones, according to the chief warden at Portland and Mr. Clifton himself, as admitted by them when they came to tell me I could write to my family as often as I pleased. I told him I had put down my name to write, expecting I was entitled to do so, and the clerk sent me word that I could not write or receive a visit for more than 12 months. I expected my father and sister to come to see me that summer. I did not wish them to take such a journey, but if they did I would not wish them to be disappointed. The director would not do me the simple act of justice I sought; I could not see him to Portland, for it was on the eve before I left there that one of the charges was brought against me, Mr. Clifton telling me that it was by the director's own orders, and yet Mr. Fagan could not investigate, or inquire into the truth or falsehood of it, and others. I have been told on good authority, that the director Mr. Fagan, is greatly prejudiced against me. I have no doubt of it, I am sure of it; I have reason to be certain

See Mr. Clifton's prison journal.

See, how
often, often
often, often
often, often
often, often

of it. He does not know me but only through parties who have freely wronged me, who have done me a most deadly injury, and proved themselves my most merciless enemies. If the director took the trouble of doing what I asked of him, doing what I thought it was his duty to do for even the vilest of criminals, if he attended to him, he would become divested of his prejudices and change his opinion of me, and of those who misrepresented me to him, for he could not but see the falsehood and malice of the charges brought against me. When I requested that the director would have my friends notified that I would not be permitted to write or receive a letter or a visit for more than one year, he told me he would permit me to write myself to that effect, so I had the privilege of being the medium through which my dear wife and little ones were to receive this very painful and heart-breaking intelligence. I wrote the letter; it was suppressed. I said nothing in this letter contrary to the printed rules on the sheet. In my statement to the Secretary of State I begged the favor of writing to my wife and little ones. If I had committed any offense I would be silent. If I had committed any offense rarely they, my aged father, my wife, my little ones, had not offended; why then inflict such misery, such anguish of mind, by depriving them of the miserable voice of hearing from me once in the six months. The governor of Portland Convict Prison (Mr. Clifton) putting words to me were, "I will keep you from writing." The governor of Woking Invalid Prison, Mr. Bonaly's words to me were when I drew up the appeal to the Secretary of State "You need not hope this will go to the Secretary of State." From November 1866 to April 1868, a period of 17 months, my wife and family had no letter from me, save the reception letter I wrote on my arrival in Woking Feb. 1867, and this one I could not have written had I remained in Portland. From Feb. 1867 to April 1868, a period of 14 months, my friends had not the melancholy pleasure of hearing from me or I from them. We were far away from Mr. Clifton; he could not torture our bodies, but he did worse; he inflicted of dreadful suspense and mental anguish he centred on me and mine. Did Bonaly of Naples permit his jailers to treat his political prisoners so? No. Did Mr. Clifton treat the thief, murderer, or seditionist so? No; for they were not Irish rebels.

November 1867, after the director released me from the cell, bread and water and penitence, I waited on the governor and asked him for the old stocking legs he deprived me of. He said if I wanted anything on my legs to protect me from the cold I should apply to Dr. Campbell. It was painful to me to ask anything of Dr. Campbell after my late interview in the punishment cell; but the frost compelled me to conquer my repugnance. I waited on the gentleman; he looked at my leg and ordered me a flannel brace. I think he also sent me a powder to stop the bleeding as I supposed. It did not stop the bleeding. I wanted food and did not get it. I was still employed in the cleaning party and was accustomed to go to the surgery at noon for medicine. Dr. W. was still trying to cure the disease in my face, he tried acids and stimulants of different kinds, glysterine, mixture of silver, sulphur lotion, &c. My face seemed better. Dr. W. thought it was well, but I felt it in my mouth, nose, cheeks, chin, and lips, and on my back. The disease had only entered my system. I had given up going the round, kept the board out close with the screens, the shaving if it did not aggravate the disease which I believe it did, it certainly occasioned a great deal of unnecessary pain. Dr. W. had told me it was not syphilis; he now said it was syphilis, and would not break out any more; he had also told me the piles were not incurable. I had sulphur electrolytic while in the infirmary, and wished to continue it after my discharge from there, but Dr. W. could not let me have it, so he said he would give me a dose of opium, or pills, or screen and salve, if I took it. I thought that when he said the piles were not incurable he would try and effect a cure, but it seemed to me he had orders not to do so, at least he did not do so then

or after. The doctor—generally the assistant surgeon—was in the surgery every day from 12 to 1 o'clock; any invalid not in the infirmary has to go at that hour, his dinner hour, for medicine, if he requires it. After Dr. Campbell discharged me from the infirmary I attended there almost daily to have my face dressed. It was necessary, too, I should have opening medicine. I was also suffering from indigestion, the food disagreeing with me, and subject to chills which I attributed to loss of blood and want of proper food to sustain the system. The weather too was cold and damp, and my clothing was then 18 months in wear worn out and thread bare, the patches keeping it from falling in pieces. I told Dr. W. all this, I told him that the dose of castor oil immediately before dinner prevented me from taking any food, for it sickened me as I eat it, and seldom or never operated till after I was locked up in my cell for the night, when I had no facilities for stopping the blood, having to excrete in the urinal and could not empty it till morning. I also told Dr. W. that I was confined in A ward where he had patients; that I saw the officer of the ward distributing medicines; that others could let me have oil at night or early in the morning, when it would not disagree with me or would not operate till my cell door was unlocked. Dr. W. said, "You must come here when you want medicine." "If the oil disagrees with you, I will give you something else." He wrote in the book; the companion, Mr. W., looked at what he had written, and filled me a cup of scum and salts. I said, "Scum and salts will increase the bleeding and aggravate the disease, please to give me an aperient of some kind." Dr. W. then gave me two pills in lieu of the scum and salts.

I went one day after this for medicine, and finding that at was Dr. Campbell that was sitting in the surgery, I returned to my cell without seeing him, for it was Dr. W. I wanted to see. On my next being called, Dr. Campbell was told I had gone back to my cell; he may have been told that I did not wish to wait for my turn to go in for medicine, there was such a crowd of criminals in waiting, or he may have conjectured that was my motive in returning, for after this my name was always last on the list of 40, often more, seldom less. I should stand among this group of criminals and wait till they were served ere my name would be called; I could then go in, put my dose and return to my cell. My dinner was brought from the kitchen to my cell at 20 minutes before 12 noon. On my return from the surgery it would be 20 minutes past, often half-past 12 and more if the doctor had a tooth to draw, or the battery to apply to anyone, before me on the list. I have seen both these operations performed ere my name was called. I could then go to my cell, where I would find my watched dinner lying on my table or more often on the flag at my cell door. This food when taken from the kitchen was never hot, it was probably warm; after lying on my flag or table for 40, 50, or 60 minutes, as was often the case, it is needless to say it was hot whatever, even if hot it required a very good appetite to eat any of it, and a very good stomach to digest it; my digestion was bad, but I was losing blood daily, and was compelled by necessity or hunger to swallow some of it, where it would be like lead in my stomach. On some days in the week I had 3 or 4 oz. of meat, this meat was never good except by accident, or when the officials expected the director or visitors. The same may be said of the potatoes and in fact all the other food. When I saw that my name was always last on the list, I went to my cell on coming from work, sat my dinner if I could, and then went to the surgery for medicine; even then I had many minutes to wait before my name was called. In a few days this was noticed by the infirmary principal warder, and on the following day my name was placed at the top of the list. I was not present when my name was called to go in for medicine; when I did come I was reprehended and told that in future I should be present when my name was called. I said, "For some

W.F. Hooper.

12 Aug. 1870.

W.F. Rooster.
—
12 Aug. 1876.

"time back you have placed my name last on the list; I found that I had plenty of time to go to my cell, wash, &c., and return before my name was called. You saw that too and placed my name at the top, so of course I was late." After this my name was after heading the list, but that was no advantage, for I had to wait till the last was served as I was permitted to return to my cell. Previous to this, one could go to dinner after his name was called, and had got the medicine prescribed. Now the first on the list must wait after having seen the doctor till the last is called, when they are all permitted to go to their respective wards; so that any prisoner not in the infirmary, who has the misfortune to be sick and requires medicine, must go to the surgery, thereby losing the hour he is supposed to have for dinner, and his dinner also, unless he has a strong stomach to swallow the cold meat, and is active enough to do it in the few minutes left him after he returns from the surgery till his door is opened at 1 p.m., when he must be ready to go to labor.

After my discharge from the infirmary I was placed in B ward. One of my fellow prisoners, or rather one with whom I have the misfortune to be identified, a crazy old lunatic, took offence at my not leading a willing ear to his ravings. This old man was one morning engaged in sweeping the ward. On passing my cell door he made some inquiries after my health, and made some remarks about my disease in no very polite, yet not obscene language; he used plain but somewhat coarse English; the others heard him, told him to stop his talk and go on with his sweeping. He said to the officer "Don't you hear Rooster as well as me?" The officer said "No." I said the same; but I said more. I told the old man told a lie or a damn lie. In a short time after the officer looked as both up, and in due time we were brought before the governor and charged with quarrelling. I said, "It takes two to make a quarrel. My door was shut, trap open; I heard the old man saying outside, and told him to go and say his prayers; he didn't take my advice, but kept on cheating all the officers heard him." The governor believed my statement, the officer did not contend it, so I was discharged, and the old man got bread and water. I did not wish the poor old man to get bread and water; it was too gratuitous to me, but quite the contrary. The governor made this the pretext for shutting all the traps in the ward. This displeased the rest of my fellow prisoners and infuriated the criminals in the ward who looked on me as the occasion of it. One of the criminals, called Dooley, told me I would get my bloody head knocked off. I asked the governor to remove me to any other part of the prison fearing that the criminals would offer violence to me as they had threatened to do. He would not remove me, but told me I was big enough to defend myself. I said, "If I was as liberty to defend myself I would not come to trouble you. I wish to avoid coming in contact with them; but as you won't put me in the way of doing so, please to open their traps and leave mine shut. If one or two has offended, it is not just to punish every man in the ward." The governor said, "It is no punishment to shut the traps." I replied, "The criminals believe it so; say I was the cause of having them shut, and one of them has told me I would get my bloody head knocked off." I heard one of them say that the traps were never shut in the daytime before now, and he witnessed many a quarrel, for he was in the prison since it was opened for the reception of criminals. I saw the director when he came and asked him to remove me. He said he would separate the whole of us, remove us to other prisons; he was told we were quarrelling. I replied, "There is no quarrelling, nor is there any of my fellow prisoners disposed to quarrel, but one old man that is damned; I wish to avoid coming in contact with him. The criminals too have threatened to knock my bloody head off. I asked the governor to remove me from the ward and he told me I was big enough to defend myself." The director gave orders for my removal to the cell I have occupied

ever since. I have been told too on good authority that it was circulated all over the surrounding country that the "Fenians" in Woking prison were killing one another.

On the 16th March 1868 the governor called me from the clearing party, and sent me into the new building, where I was put to eat bricks along with two of my fellow-prisoners, Mr. Kichman and Mr. Dillon. Standing all that day in the one spot stooping over a low bench eating the bricks increased the pain in my loins. The watchman was so open here; I had occasion to go to it; prolapsus and bleeding ensued. There was a cold piercing wind which congealed the piles, but stopped the bleeding. All that afternoon I suffered the most acute pain, for I could not get the piles back till I was some hours in bed. I applied to see the governor on that night, and was taken before him on the following morning, the 17th. I told the governor what I had suffered the day before, and requested that he would have me in the clearing party, or even in the knitting shed, till the weather got warm; he refused to do so (I vide my application to governor, 17th March 1868). I saw by the extract from the governor's book, which has been furnished to me, that the governor had written as an answer to my application, "Referred to the medical officer." Under this is written, with Dr. Campbell's signature and initials attached, "I consider this man fit for work outside or in the prison." Under this is written, with the same signature, and the governor's initials attached, "I shall not relieve you." I continued to work outside at the bricks, and on the morning of the 26th I was unable to rise out of bed with the pain in my loins. Dr. Campbell when he was visiting the patients in the ward came into my cell. I told him that I had a great pain in my loins, and this very weak; for I had lost much blood almost every day since my discharge from the infirmary, 24th September 1867; that the piles were very bad, and I was also suffering from indigestion. He felt my pulse and said, "You have no fever, get up out of bed." I replied, "I did not say I had fever; I can't get out of bed with the pain in my loins." Dr. Campbell said nothing more, but walked away. In a short time after the officer of the ward, Mr. Pierce, came into my cell with a rap of medicine, and said, "Dr. Campbell ordered you this dose ofenna and salts; he has admitted you as a patient, and put on your full diet." I replied, "There is nothing more harmful to my disease than enna and salts, but I suppose I must take whatever he orders." Mr. Pierce replied, "Yes, but you need not take it all, for it is a large dose." I took a portion of it, and threw the remainder into the urinal; Mr. Pierce was standing by at the time. On the following morning Dr. Campbell came into my cell; I told him that the dose ofenna and salts had aggravated my disease, and increased the pain in my loins. I could not eat the dinner I got the day before. I showed it to him, and asked for some light nutritive food. He gave me low diet, that is 8 oz. of bread, 2 pints of tea, and a pint of arrowroot daily. He also gave me along with the low diet a mince chop, pint of porridge, and half a pint of milk. If there is 4 oz. of meat on the chop that is served in this prison, the patient may consider himself well off. I have often had less than 2 oz., the other 3 or 4 oz. being fat and bone, which I could not eat. Dr. Campbell ordered a clean-stool to be placed in my cell for me to use, and keep the matter off he visited me every morning and saw how much blood I lost in the 24 hours.

On the 31st of March I saw the director about seeing my solicitor, but I also told him of the state of my health and what Dr. Campbell had said to me when I complained to him in the punishment cells, viz., "Shave them up." That Dr. W. had told me the piles were not incurable; that I wished him to prescribe for me, for I could not expect Dr. Campbell to do me any service whatever. The director said nothing to me on the subject. Previous to my admission as a patient Dr. W. visited the patients in the ward in which I was located daily. After my appli-

cation to the director Dr. Campbell visited in his stead. Dr. W. came but twice, I think, during the five weeks I was a patient, and then did not prescribe for me. Dr. Campbell saw that I was losing blood every day (Vide medical case sheets.)

On the 30th April, saying that there was not so much blood in the pot as I usually let, he discharged me. I was sent out to work at the bricks again with my fellow-prisoners, Messrs. Shack, Dillon, and Kitchin. After a time we were taken from the cutting of the bricks, and sent to pull one of the ropes for hoisting bricks up to the bricklayers on the scaffolding; this one rope kept us constantly on the move, for the bricklayers were divided into parties, and working against one another, and trying which would set the most bricks. The officers took care that the "Fezzies" were put to the rope that had the most work on it. The criminals saw this as well as ourselves, for I heard some of these speaking of it more than once. The criminals on the other ropes could sit down and rest at intervals, but the "Fezzies" had no cessation, although we were inactive. We sat down to rest one day, the bricklayers were shifting the scaffolding; seeing this the principal warder, Mr. S., came over and told me we should pull two ropes in future, so we had a rope inside and outside the building to attend to. This was exceptional treatment; for no four criminals were required to attend to more than one rope. The officers kept driving us and shouting to us to go faster. At the inside rope our lives were in danger, for the bricks and places of bricks were constantly tumbling from the scaffolding overhead, and not only bricks, but trowels, buckets, &c. We complained of this to the principal warder, but one of the officers in charge told him there was nothing falling but small pieces of brick; at length another officer who was near our party saw two bricks fall, he took them up and said he would report the fact to the governor, and kept them for the governor to see when he came on his rounds. My fellow-prisoner, Mr. Dillon, was struck by a large piece of brick between the shoulders; at length they removed the wheel to another part of the building. If Mr. S., when we first complained to him, had stood for a few minutes near the rope he could have seen the bricks tumbling on us, but he did not care for seeing them, for he could not but know they were falling as well as we did ourselves. The weather this summer was extremely hot. I have seen the thermometer which one of the warders, Mr. B., hung one day in September on the scaffold pole alongside where we were working stand at 111°, and this day was cool in comparison to some days we had in July and August. Mr. Shack was the first to succumb from the hard labour under this tropical heat; he kept on his feet as long as he could. Mr. D. was very weak; Mr. Kitchin and I were very little, if anything, better, for I was losing blood every day, and drew the attention of A.W. Mr. B. to the state of the chest with blood once or twice after I came from work, but we had no alternative. We should work, work, work; you must go faster was the cry of the inhuman drivers in charge of us, and infinitely more cruel and atrocious was the daily written declaration of Dr. Campbell to the governor, Mr. Brandy, viz., "I shall not resist you." (Vide governor's book.)

In May or beginning of June, while toiling in this manner at the bricks, I caught a severe cold, sore throat, great pain in swallowing food, with hoarseness. I made application to see the doctor; Dr. Campbell was on vacation; Dr. W. prescribed for me; I kept going to the surgery at my dinner hour daily; my cold was getting worse. I told Dr. W. so, and asked him for a mustard plaster and for medicine twice or three times a day, for one dose immediately before dinner did me no service; he refused to grant my request. Mr. W. was the compounder, and he also dispensed the medicines to the prisoners at dinner hour at the surgery. This Mr. W. was always drunk, or stupid from drink, and would give me medicine out of any or all the

bottles on the counter before him, if I let him, but I never took the wrong medicine but once, for I got to know the colour of the liquid Dr. W. had prescribed for me. I often put Mr. W. to the trouble of pouring the liquid back into the bottle, and would point out the bottle that held the medicine prescribed for me; this irritated Mr. W., for he often said to me, "You here again; what do you want here every day?" I once more told Dr. W. I was hoarse in a word, were he kind patients, and begged that he would allow the officer of my ward to give me the prescribed medicine twice or three a day, or I would come to the surgery three times a day if he permitted me. Dr. W. again refused my request, and I have seen criminals, met in the infirmary, go to the surgery three times a day and get medicine; I have seen them come to a ward, and they sat located in the ward, and get medicine from the officer of the ward by the doctor's orders, and Dr. W. would not allow me to have it, and occupying a cell in the ward. On one occasion I made the same request to Dr. Campbell and he also refused me. This was exceptional treatment. I give the names of two of the criminals; Grundy got medicine three times a day at the infirmary, and Benjamin I have seen come to a ward, and he sat located in it, and get medicine, and have a lotion applied to his eyes by the officer of the ward. After five weeks or so I asked Dr. W. to examine my chest; he applied the stethoscope and said, "You have a cold." I replied, "I fear it is a cold that will never leave me; it is worse now than when I first applied to you. I have a short-cough and expectoration, what I never had before." Dr. W. gave what I thought an incredulous smile, for he prescribed no other medicine for me. After Dr. Campbell's return from vacation I applied to him, and he prescribed a dose of castor oil; since then he prescribed "seneca," which I was taking for months, with no good effect. I have not got rid of this cold since; every change in the weather affects my throat and chest. A few months after I got this cold I told the Rev. Father O'Leary, the Catholic chaplain of this prison, that I was certain my bronchial tubes were affected, and said, "If Dr. Wilson or Dr. Campbell had treated me properly, or gave me the mustard plaster, or the medicine three times a day when I asked for it, I might, I would no doubt, have got rid of the disease, but now I fear it has become chronic. I am not yet three years a prisoner and I have three chronic diseases, viz., piles, syphilis, and this cold I believe to be chronic bronchitis."

When I first came to be located in a ward all the prisoners not undergoing punishment were allowed to go to the water-closet at any hour of the day. On the 6th September 1858 I wanted to go to the closet after dinner, and the officer would not unlock my door, so I had to use the small urinal in my cell. Next day, the 7th, I complained to the governor of this; the governor told me that it was his order that no prisoner would be allowed to the closet at dinner hour. I told him that I was taking aperients every other day; that it was necessary that I should have water to stop the bleeding after relieving nature, which I could not do if I had to evacuate in the urinal; that I never wanted to go to dinner hour before this; I saw other prisoners allowed to the closet at that hour; that if I did want to go in future I would like to have the same privilege as the criminals, and the governor said, "I will see about it." (Vide application to governor, 7th September 1858; a copy of which I have before me.) The governor writes, "Says it is necessary to apply cold water after relieving nature, and therefore cannot use his chamber." Dr. Campbell, is this so, and cannot it be managed in his cell? Dr. Campbell writes an answer to this query, "This man suffers from piles, but the bucket of cold water in the cell appears to be sufficient." "The bucket of cold water in the cell appears to be sufficient!" The governor, shocked at such a suggestion, writes, "No, on no account to use his bucket; let him have a second urinal and water in it." So if the governor

W.P. Brandy.

12 Aug. 1859.

W.F. Monro,
12 Aug. 1896.

had not more liberally and regard for health than Dr. Campbell, I had no alternative but to enunciate in the small urinal and afterwards wash and bathe in the bucket and with the water that was issued to me for washing my face and hands in the morning. I will not say that this suggestion or order of Dr. Campbell's was exceptional, for I have known criminals, invalids, not only to wash and bathe in their bucket, but also to enunciate in it; this is almost an every day occurrence in this prison. There is one gallon of water allowed to each prisoner every 24 hours, for the purpose of washing his face and hands, every morning. When I was employed in the quarries at Portland and at the bricks and other out-door employment here in Woking, where I could not get to the watercloset in my ward, I had no alternative but to use my own urine for bathing purposes, stretch out if I had the opportunity, which I seldom had in Woking, and never had in Portland, and try to stop the bleeding in one way or another; I often hid away till I got to my cell. On the 29th September 1895, I again applied to the governor for in-door employment, as the weather was getting cold, and I felt weak and shivered from loss of blood, &c.; he allowed me to come in to the building shed; a few days after this he told me I could go into the cook-house. I declined the cook-house, for I was not able for the work. I continued going to the surgery at my dinner hour every day; the doctor would give me a dose of medicine, but proper nutritive food would have done me more good at the time than medicine, for I was in a wretched state, which the doctor could have seen if I never told him; yet he would not admit me as a patient, nor did Dr. Campbell ever admit me as a patient till I was no longer able to stand on my feet; when I was unable to get out of bed, then and not till then would he admit me to the infirmary. This certainly was very exceptional treatment.

The doctors in Portland would not do anything for me till they got an order from the director to do so; I was taken into the infirmary there on the 24th August 1895, in a state of exhaustion, some weeks after they had received the director's order to see to me. This was very exceptional treatment. One month after my admission Dr. Blaker writes—side medical case sheet—"He has lost a large quantity of blood since yesterday." This was the first time he saw the blood I was losing daily. I drew the attention of the officer to it, and Mr. G. went and brought Dr. Blaker to look at it. I would have shown it to the officer or to the doctor before this, but I was delicate in doing so, for it always had excrement along with it in the pot; on this day there was nothing in the pot but blood. Some time after this Mr. Du Cane, the visiting director, came into my cell. Dr. Blaker told him, in answer to his inquiry, "I was very bad, losing large quantities of blood." Some months after this Dr. Blaker told me, when I had done another few years in prison "I would be very little use." In about six months after my admission to the infirmary I was forwarded to Woking an "incurable" invalid. Nine months after my arrival in Portland, and 12 months after my transportation to England, I was, owing to the neglect and ill-treatment of the medical officers of Pentonville and Portland, an "incurable" invalid with two chronic diseases, *viz.*, chronic piles and chronic syphilis.

On the 27th November 1895 I was unable to get out of bed with the pain in my loins. I also had for some weeks chills or agues. I felt very bad; hard labour, loss of blood, with bad and insufficient food, had very nearly given the finishing stroke to my existence. Dr. Campbell at length admitted me, when I was unable to move, and gave me low diet, &c., some kind as I had when he discharged me from the infirmary eight months previous. On the 7th January 1896 the governor came to my cell and asked me was I a patient in the infirmary; I told him I was. He then said, "Do you be doing nothing all day?" I said, "Yes, I have two hours exercise, and I spend the rest of the day reading." In a short time after this the officer

of my ward brought me a stocking to knit. In the evening I saw the governor and said to him, "There are over 150 criminal patients in the infirmary, some of them do any work, and you send me a stocking to knit." The stocking was taken away. On the next day the governor sent an order to have my hand cut; I spoke to Dr. Campbell, and he said he had nothing to do with the order; but he gave me permission to wear my moustache in consequence of the disease, "syphilis," I had in my upper lip and face. The governor asked me some short time previous to this, before my moustache and beard were allowed to grow, what was the cause of the shaking or nervous involuntary twitching of my lips and chin? I reminded the governor of this, and begged he would not have my beard cut, for it would expose the scars and twitching of the muscles of my face, and probably occasion the disease to break out in sores again; that since my beard commenced to grow again my face was to all appearance well, but that I felt it still, not alone in my face but in my gums, tongue, palate, and other parts of my body. The governor ordered my beard to be shaven but not cut close. I was satisfied that this order to cut my beard would not have been issued if I had not objected to the knitting, and I had reason to believe that Dr. Campbell was about to discharge me from the infirmary on the same grounds; so I said to the governor, "Sooner than be deprived of the food and treatment for my disease I have at present, I will do the knitting, but that if he had no objection I would prefer going to the pump for an hour or two in the day. The sitting was harmful to my disease." The governor told me that I could go to the pump, and send an order to that effect. As I had anticipated, Dr. Campbell discharged me from the infirmary on the 18th January, 10 days after my objection to the knitting, and on the following day I was placed in the centre of about 100 criminals in an underground apartment, with two or three waterclosets within three paces of the door, a stocking put in my hand to knit, and a stern taskmaster over me to keep me plying the needles.

On the 29th January 1896 I drew up the following statement to the board of directors: [Every particular contained in this statement is repeated in the text.]

In a few days after I had handed in the above statement to be forwarded to the board, the governor sent for me and said to me, "The directors consider that there is no grounds for your statement." I was very sick and compelled to lie in bed on the morning of February 9th, 1896. The piles were very bad, and I was suffering from loss of blood and indigestion; Dr. Campbell prescribed for me, and gave me the same diet as I had when in the infirmary before. I see by the "medical case sheet" that has been furnished to me, that Dr. Campbell says I had *sago pudding*; this is not true I had no sago pudding, nor did I ever eat sago pudding. I have heard, and I have reason to believe it, that it is customary in this establishment for to fill up in this manner the diet tickets and the medical sheets of the invalid criminals who die or leave for home, but I didn't know till now that Dr. Campbell did the same to the tickets and sheets of the men who are alive and present to contradict and expose the fraud. I am only surprised that Dr. Campbell didn't put wine or brandy on the sheet, but I suppose he did not think it necessary to put it on the detested "medical case sheet" he furnished to me; he might have done so, and he knows it. I do believe that if Dr. Campbell put tattle or brags' nest stuff—if the lies was to be had in England—on the diet tickets and sheets he would get the authorities that he has to account to to believe him. The assistant surgeon of Portland and of this prison have often prescribed for and remarked upon my diseases, and there is not one sentence from them on either of the sheets furnished to me on the subject of my treatment or my disease. I was a patient in the infirmary when Dr. H., the successor to Dr. W., assistant surgeon, came to

Waking. A few days before his coming I reminded Dr. W. that he had told me the pills were not necessary, and requested that he would do something for me. He said he would see what he could do for me in a few days. A few days after Dr. H.'s arrival Dr. W. said he looked at the pills. When they came to my cell I was after coming from stool, had stopped the bleeding, and had returned the prolepsis, but they needed to be taken to look at them. I stooped over the pot for a moment, and prolepsis ceased, as it ever does when I stoop. Dr. H. prescribed "suppositories" and an electrolyte. This electrolyte was some service to me. Dr. Campbell deprived me of it some time after, and gave me sulphur and treacle in lieu of it. I told Dr. Campbell that the electrolyte was a great service to me. It is probable that is the reason he deprived me of it; or perhaps "it is best." I told Dr. H., too, of the disease I got from the infected brush and mace in Portland infirmary, and asked him to look at my throat. He looked, and said my throat was relaxed. He prescribed ounces of silver lotion. I used it for some time without any good effect. When he looked at my throat he said it looked now like something else than yewers. I also told Dr. H. of the cold I got in May or June '68, and how I was affected ever since with a short cough, and occasional hoarseness, and showed him some of the implicated urous matter that I expectorated from time to time. He said "You have slight chronic bronchitis." So before my first three years in English prisons had expired I had, owing to the neglect and ill-treatment of the medical officers of Fentonville, Portland, and Woking prisons, three chronic diseases, viz., "chronic phlegm," chronic yewers, and "slight chronic bronchitis."

On the 5th July 1869, Dr. Campbell discharged me from the infirmary. I applied to him a few days after for better food than the food I then had. Dr. Campbell said to me, "You have hard labour diet, and there is plenty of men fattening on it." I replied, "There are none of these men suffering from indigestion, and losing blood every day as I am." Dr. Campbell then said, "There is no use in you coming to me; I cannot change your food, and you know that as well as myself." Dr. Campbell told me there was men fattening on the food. If there are men in this prison out of the infirmary fattening I know they must have more and better food than what the prison diet allows them. It is well-known fact in this prison, and in other prisons too, that there are many prisoners who have ways and means of procuring any food they like; this I can vouch for. In August I saw the visiting director, Mr. Stopford, and asked him for better food. He told me he had tasted the food and found it good. He then got up from his seat, came over to where I was standing, and said, "Now, you are a sensible man; tell me what you have to say against the food." I knew there was no use in me entering on the subject after Mr. Stopford had pronounced the food good; so I replied, "The prison diet was never meant for a man losing blood daily as I am." Mr. Stopford said that I should be in the infirmary. I told him that the course of treatment that I have been subjected to for the past three or four years would wreck the strongest constitution; that I was never taken into the infirmary by Dr. Campbell till I was unable to get out of bed, and when I had gained a few pounds in weight or a little strength he would discharge me and tell me he could not keep me in the infirmary any longer. Mr. Stopford said he would see Dr. Campbell. Dr. Campbell has told me on two occasions, when I was about three months in the infirmary, that he could not keep me any longer, that I was a long time in the infirmary, and I can point to criminals who have been in the infirmary for the past three years to my own knowledge, and they exclaim every day. This was exceptional treatment. The pills got very bad at this time, and I got an additional one at the same previous to this. The pills I had were internal. They became strangulated in Fentonville by the two doses of "de-

tection of blood" Dr. B. ordered for me. I went to the surgery at dinner hour, saw Dr. W., told him of this, and he prescribed a dose of castor oil. I went again on the following day, and he prescribed another dose of castor oil; I told him I did not want any purgative, that I was suffering the most acute pain from this pill, as if a red-hot iron was sticking in the most tender part of the body. I begged of him to look at it; he did look at it, but that was all he did do for me. I saw Dr. Campbell the next day at the surgery; he also prescribed an aperient for me, and listened to my description of what I was suffering.

On Tuesday the 31st August I was compelled to lie in bed. Dr. Campbell visited the patients in my ward; the officer told him I was lying in bed; he came into my cell, looked at me, and told me to stay in bed and keep myself quiet. I was also suffering from indigestion; my appetite was very bad; I did not eat, yet I did not return any food to the officer of my ward. I had no desire for food of any kind at the time the "orderly" brought me my dinner, and he took it away again as it came when collecting the diet after dinner. On Friday, 24 September, the "orderly" said to me, "I see you are eating no food; you had a better keep that dinner and show it to the doctor, and he may change your diet." He took the meat out of my tin and left it on my plate; he did the same for two or three days. On Monday the 6th Dr. W. visited me. I said to him, "Dr. Campbell has put me on 'full diet.' I am suffering from indigestion. I have not eaten my food for the past week, but a little bread and 'tea.' Friday's dinner is 'roast beef,' and there is the 'roast beef' dinner I had given to me on last Friday, 4 or 5 oz. of the 'shin bone. There is Saturday's and yesterday's (Sunday's) dinner; about the same complement of 'scrag of mutton; please to give me low diet, for I can eat the arrowroot if I had it." Dr. W. made no reply, but left me. Some time after this I heard Dr. Campbell's voice; I rang my cell bell and told the officer I wanted to see Dr. Campbell. I told him when he came to me the same as I told Dr. W., and said, "I asked Dr. W. to change my diet, but I suppose he dare not do without your permission." Dr. Campbell told me I should have sent it back, and told the officer to take the food and report it to the governor. I replied, "There was no use in my sending it back, for I would be told it was weight and it was good, and would be termed a 'very troublesome fellow,' or said 'I was giving a great deal of trouble.'" Dr. Campbell was about to leave, when I said to him, "You know I am suffering from indigestion and losing blood, and even if I had an appetite to eat 'full diet,' there is little or no nutriment in it. Please to give me some light nutritious food." He said, "Speak to me in the morning about it." I was then a full week without taking any kind of food except a little bread and 'tea,' and Dr. Campbell tells me, when I asked him for food I could then eat, if I had it, to spend so time in the workshop. Prisoners that complain of the quality of their food in this prison are termed "troublemakers," and forwarded to public works if they are able to bear the journey.

When I was in Portland infirmary a criminal came there from Woking; he was unable for any kind of labour. Dr. Blake took him into the infirmary on his arrival in Portland. He complained and returned his food while in Woking, and for so doing he was sent on to hard labour in the quarries, although a confirmed invalid. Such was his tale to the doctor and to me, and I have reason to believe he told the truth, from what I myself have experienced and witnessed. On the next morning Dr. Campbell gave me "padding diet," for my stomach was in such a state that I could not eat even good meat if I had it. "Padding" diet is 12 oz. of bread, two pints of milk, and a very small rice pudding daily; 2 oz. of rice, 1 pint of milk, 1 egg, 1 oz. of sugar, and some marmalade is allowed for this pudding (wide medical case sheet)—and it is made, baked, and served

W.F. Stoughton.

12 Aug. 1870.

W.F. Thomas.

18 Aug. 1870.

to the prisoner in a dish that won't hold a pint, and that not more than half full. "There are some dishes that hold more than a pint, but they are not near half full. If the Commissioners take an interest in this I will explain the matter more fully, and give them ocular proof of it."

I was a week on "padding diet," when Dr. Campbell added a chop to it. In December Dr. Campbell told me I was a long time in the infirmary, that he could not keep me any longer; he did not discharge me sleep, for the weather was very inclement, but I knew he was waiting for the first fine day to do so. The director, Mr. Bagen, came on the 23rd December. I told him what Dr. Campbell said to me, and requested to be left as I was, for I needed the food and treatment I had at the time, for my disease was getting worse instead of better. In a few days after this Dr. Campbell said to me, "You complained to the director of my intention to discharge you." I said in reply to this, "You saw the state I was in last August when I was admitted." "I have now gained a few pounds in weight, and I would like to keep it, which I cannot if you discharge me from the infirmary and deprive me of the diet I have at present. I had a strong constitution; it is now permanently impaired if not totally wrecked. I have no fortune but health and strength, and that is lost to me for ever. If I live to get my release from prison I will be a burthen to my friends, and I have also a wife and family depending on me for support; leave me as I am, and leave me the food I have at present, and I will knit or do any other work I can." Dr. Campbell said, "I did not mean to discharge you this cold weather." I replied, "You told me I was a long time in the infirmary and that you could not keep me any longer." Dr. H. was present at this interview. Dr. Campbell did not discharge me then or since, but he has, I have reason to believe, been very misrepresenting me to the director ever since, for the director has told me he hears something about me every visit he makes to Wexley. What that "something" is I do not know; all I know is I have infringed no rule of the prison, or said or done anything that would give Dr. Campbell the grounds for fabricating a report. As my time is limited I will enter into this and other matters more fully when before the Commissioners.

On Saturday, the fourth week in Lent, March 26th, 1870, the R. C. chaplain, the Reverend Mr. O'Leary, visited my cell; while he was speaking to me I happened to step to the door, and I saw the officer of the ward, Mr. Humphries, standing at the entrance to the ward. As the rev. gentleman was leaving me I said him I wished to see him in the course of the week, and he said, Enter your name in the book to see me. I went to the cell door when he was leaving and saw Mr. Humphries standing outside the door of the adjoining cell; this was about 80 feet from where I first noticed him, and he could not have come thence or any distance down the ward to within three paces of my cell without me hearing him; so I was satisfied I had reason to believe he stole noiselessly down to listen to what passed between the rev. father and me. On the following Saturday Mr. H. told the Rev. Mr. O'Leary that I was in bed in my cell and wanted to see him; he left his office, when he was done hearing confessions, and came down to my cell; I told the rev. gentleman that I did not want to see him then, and that I had told Mr. H. so a few minutes before; he appeared surprised and left immediately. Some evening in the course of the week Mr. H., assistant warden, came to my cell and told me the priest was in his office if I wanted to see him. I went up to the office; it is situated at the entrance of my ward, having two entrance doors, one of them at the landing at the foot of the stairs, the other in the ward. The gas was lighted in parts of the prison, and there was two candles lighting in the priest's office when I entered it. I was in the office about 20 minutes. I made no noise coming out of the door, for I had a pair of cloth slippers

on, and as I turned into the ward I found Mr. H. posted outside the other door of the office with a slate and pencil in his hand. It was dark at the time, for Mr. H. had not lighted the gas in the ward, and it was burning all over the prison. I asked him what was he posted at the door for? He replied, "Why do you ask me that?" I replied, "I have reason to ask you." He then said, "Well, H. asked you;" and said, "Do you suppose I was listening to what you and the priest were saying?" I told him I had no more to say to him on the subject. I went back to the office and told the Rev. Mr. O'Leary, I also brought it to the notice of the governor, and I also told the governor that there was a man of unusual mind, a criminal by name of Condon, in the ward; that this Condon came to my door a few evenings before; having a hymn book in his hand, he commenced parodying one of the hymns or rather substituting an obscene word for the holy name of Jesus. I told Condon to go away; he did, but he went to all the criminals in the ward, repeating his profane and shocking obscenity; they enjoyed and laughed at it. He then went up to Mr. H. Condon thought of unusual mind had some enough to see that Mr. H. enjoyed his profane obscenities as much as any of the criminals in the ward. So when he had finished with the hymn, he said to Mr. H. "I saw that bloody old priest in Millbank drunk on the sabbath." "You did?" said Mr. H. I closed my door at the time, for I did not want to hear any more of the conversation. Mr. H. did not deny listening to Condon's profane obscenities or inviting his foul company. He had no occasion to do so, for the governor said Mr. H. was at liberty to use his own discretion in dealing with inmate prisoners; and he told Mr. H. to keep me locked up in my cell whenever the priest came to the ward in future.

I was put under special surveillance in Mountjoy Prison. My cell was specially selected; when it rained, as it did often during my short stay in Mountjoy, my cell door was flooded; the wind and rain dashed in through the window, the iron frame of the window being too small for the aperture. The trap in my cell door was unlocked and banged open every 20 minutes or so during the night, and a powerful reflector lamp thrust into my cell and held there until I gave some signs of being awake; so that I had not 40 consecutive minutes sleep during the night; this was exceptional treatment, not incidental to the treatment of a criminal, and showed a disregard of the conditions necessary for health.

The warders were specially selected and instructed to report all my questions, sayings, doings, movements, and looks, though the authorities professed to treat me as ordinary convicts. I was specially treated when I went to chapel or to exercise. All this special surveillance and annoyance was exceptional treatment, and increased the hardships incidental to my condition as a prisoner undergoing a sentence of penal servitude, for no criminal would be so treated unless he had committed some flagrant violation of the prison rules.

It was exceptional to treat me as a prison breaker in Mountjoy and Pentonville; it was subjecting me to hardships beyond those incidental to the condition of a criminal undergoing a sentence of penal servitude, for no criminal was so treated unless he had attempted to break prison.

It showed a disregard of the conditions necessary for health to deprive me of my flannels on my reception into Pentonville Prison in the month of February 1865, without having medically examined me to ascertain the state of my health.

It showed a disregard of the conditions necessary for health to compel me to stand with nothing on me but my shirt every night from the 10th February 1865 until the 14th May 1866, the period which I was confined in Pentonville, for 4, 10, or more minutes, to bend out my flannel shirt, clothes, &c. to the warden, and having to walk on my bare feet on asphaltum and flags, with each article from my cell to the gallery.

I believe my disease was greatly aggravated by the indifference and neglect of the medical officer of

See Question 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100.

Pentonsville, Dr. B., as well as by some of the drugs he caused to be administered to me.

It was exceptional treatment to compel me to exercise in punishment yards in Pentonsville. It was a hardship beyond that incidental to the condition of a prisoner undergoing a sentence of penal servitude, provided he had been free from reports, as I was, and had not committed some flagrant breach of prison discipline.

It showed a disregard of the conditions necessary for health to refuse me medical treatment unless I would forego my one turn of four hours' exercise out of the 24, not because the exercise would counteract the medical treatment, but to gratify the malevolent disposition of Dr. B.; but if I were allowed to have both exercise and medicine, I would be treated as well as the criminals but not worse, for I saw criminals enjoy their one period of exercise and receive medical treatment, and I have no doubt if they suffered so severely from bleeding piles as I did, if they lost so much blood daily, they would be taken into hospital, receive suitable medicine, instead of being locked up in a punishment cell and compelled to sleep on a guard-bed, and to stand or sit and work from 6 in the morning until a quarter to 8 at night, all which showed a disregard of the conditions necessary for health, as the sequel proved.

If it was not exceptional it was at least inadequate treatment to strip me naked, and in the presence of nearly 30 persons to search my arms, joints, and testicles with a lamp.

It was exceptional treatment to unbutton my clothes and search me whenever I left and returned to my cell.

It was exceptional treatment to place me in an ill-ventilated punishment cell, and evidenced a total disregard of the conditions necessary for health to exclude a current of fresh air from my cell during my confinement in Pentonsville Prison, though that cell had in it an open pipe where I ventilated, &c.

[Here follows a most infamous charge against warden in general. Being questioned upon it, Rose-tree could give no evidence, direct or indirect, to support it, and utterly failed to convince us of its probability. We have, therefore, considered it our duty to expunge it from his statement.]

It showed a disregard for the conditions necessary for health to compel me to live in the quarters with a pick, which had to be wielded with both hands, from 7 o'clock a.m. until half-past 5 in the evening, though at the time being large quantities of blood daily, and suffering from prolapus of the intestines, according to Dr. W.; add to this the bad quality and insufficiency of the food I had to exist upon for more than three months at Portland before I was admitted to hospital. How much longer I would have been compelled to remain in this condition, if I had not brought my case under the directors' notice, it is not difficult to conjecture, for I see by the extract from "look to see the director," furnished to me by the authorities at Portland Prison, that in answer to my complaints to the director, Dr. Blaker, stated to him that my case had been treated properly. When I applied to the doctor after my arrival in Portland he gave a small portion of gull stimulant on a piece of paper; the officer took me before him in a few days after, and he told me would give me nothing else, and spurned me with insult, as he did before, and this, according to Dr. Blaker's written statement, was treating the "Irish rebel," the "Finnian," properly. "Medical officer states that his case has been treated properly." If the medical officers had treated me properly, had done their duty towards me, I would have no occasion to appeal to the director. That I was neither a liar nor a schemer when I applied to the medical officers of Portland Convict Prison the officers in charge ever so could prove at the time, for they saw the state of my drawers, shirts, and stockings with blood, and the medical officer's treatment of me from my admission into hospital on 24th August '66, 14 days after my complaint to director, until my

removal to this prison, a continued incurable insult according to their own testimony. Ay, the testimony of the very men appointed and paid to watch over my health, but who never did their duty to any political prisoner, as they were bent to do to criminals, is fully and indisputably proved. "I who was suffering from a painful wasting disease, which was draining my system daily of large quantities of blood, and which required rest in the recumbent position to get in the piles and relieve me of pain, was accused with contumacy and insult by the medical officers as if I were a thrice-condemned criminal, noted for lying and malignity. I was abused and insulted by the officer in charge for not working as hard as he thought I should, or had been told I ought, and punished with bread, partridge, and water for three days, and compelled to lie on the bare boards for two nights by the governor, who said to me, "Gall ointment would stop the bleeding, and plenty of hard work would cure the piles." This was the commiseration the governor had for me, who while I heard those stories in heat and cold and rain still my shirt was wet through as I stood in my own blood that trickled down my legs, saturating my drawers and stockings and filling my boots; this, I repeat, was how the governor, Mr. Clifton, commiserated my condition, and the medical officers left me to my fate till the director, Mr. Fagan, had the humanity to interfere. This was how the medical officers of Portland treated me during my first three months in that prison, and I leave it to the medical members of the Commission to say if a due regard was had to the conditions necessary for health, even of a mere Irishman who had been "convicted" of a political offense and confined in an English convict prison.

It was exceptional treatment, and calculated to impair my health and the health of my wife and family, to deprive me for 12 or 14 months of the privilege of writing to or receiving letters or visits from my friends for the most trivial offences, or rather no offence, but reports got up at the suggestion of the governor, Mr. Clifton. My wife told me that her not hearing from me for so long a time had nearly killed her. It was exceptional treatment and showed a disregard of the conditions necessary for health on the part of the governor, Mr. Clifton, to take me out of hospital while under medical treatment, sentence me to three days bread and water, and lock me up in a punishment cell.

It was wantonly exceptional on the part of Dr. Blaker to cause me to be removed from the infirmary cell which I occupied into the ward, and compel me to associate with the criminals. From the tone and manner of Dr. Blaker to me, after my admission to hospital by the director's order, I have no hesitation in saying that Dr. Blaker, knowing that I would feel this association with criminals more acutely and severely than any other punishment he could inflict upon me, had from a malevolent motive misrepresented me to the directors, caused my removal from the cell and placed in the centre of a room full of criminals. It was exceptional treatment and malevolent on the part of Dr. Blaker to prohibit a fire being lighted in the stove adjacent to the cell while I occupied it, and solely because I occupied it. The stove was erected for the special use of a great criminal, Sir John Dean Peel, and when other criminals occupied the cell subsequently a fire was kept in it. The very day I left it, 10th Dec. '66, a much warmer day than many we had previously, a fire was put in the stove by Dr. Blaker's order.

It was exceptional treatment, and done specially with a view to lower and degrade me in the eyes of officers and criminals, to compel me, when in hospital, to not so orderly to the criminals in the ward, by insisting on me to clean and polish their shoes, and clean their nails, and clean their excrement off the closet seat, &c.

It was exceptional treatment to compel me, a Roman Catholic, to assist in and take part in Protestant prayers in the hospital in Portland, and not to permit me on Sunday, or on any day for the five weeks

W.F. Bowdler.

12 Aug. 1879.

previous to my leaving for Woking, to attend at Catholic prayers, or at the holy sacrifice of the mass.

I would ask the Commissioners not to judge of the rigours of penal servitude by my inadequate description of them, but rather of the inhuman and murderous effects of the system upon me and my fellow-prisoners, for I have not the power to portray or depict the many cruelties, refused, and ingeniously devised means employed by the prison officials to torture and weary us physically and mentally. The truth, the only way to judge properly of the punishments—mental, physical, and moral—the privations in food and clothing, and the hardships and diseases caused by medical neglect and wanton punishments on bread and water, to which we have been subjected and made to endure for the past five years in penal servitude, is by their effects upon our health, physically and mentally.

Let the Commissioners look to the condition of our health, physically and mentally, when condemned to this penal servitude. Let them look to our medical history when first received into British convict prisons; when removed to sick-bedded convicts, to sick-bedded convict prisons to do laborious work in the quarries of Portland, on the bogs of Dartmoor, and in the backyards of Chatham.

When we were sent to these convict depôts we were pronounced to be in good health; we were claimed as sick-bedded convicts.

The medical officers of the convict service pronounced us fit for the most laborious work in "public works," and we were punished with bread and water and penal cells if we failed to perform it, in addition to being compelled to endure all the hardships, cruelties, and privations, wet and cold, abuse and danger incidental to and beyond these inflicted by criminals undergoing like sentences.

Let those who would now defend the harsh, brutal, and inhuman treatment to which we have been subjected in English convict prisons, or who would controvert or deny the accusations, or charges I have prepared, and would prove by other and independent testimony if the Commissioners had permitted Mr. Butt, Q.C., to assist me in the preparation of my statement, to be present at the inquiry, to adduce evidence to them, and to put the necessary questions to the prison officials to elicit the truth from them. As it is my accusations I must stand or fall on my own evidence, which I am prepared to confirm on oath if necessary. I cannot produce any other prisoners for many reasons, one of which is that when I was taken to be punished, or when I was in punishment it was impossible for my fellow-prisoners to be present; the rules of the convict service forbid this, to prevent the possibility of bringing to light many a brutal and wicked crime committed upon unfortunate convicts within prison walls. If my head had been broken by the baton of the officer when taking me to the punishment cells, or to the punishment awarded, as I have seen the unfortunate criminals' heads laid open in even this inhuman convict prison, at the heads of the wretched inmates, as the Reverend Mr. O'Leary, R.C. chaplain, can testify. I could only offer my own testimony of the fact unless by accident it was seen by some person honest and independent enough to come forward and bear witness to it. No official could hold his situation if he did this.

Some of the A warders have within the past six months been compelled to leave this prison for refusing to prefer charges against criminals, to the truth of which they could not subscribe. I have heard the horses crush and break on the heads of the unfortunate criminals in the cells adjoining to the one I occupy. I have heard the officers call the orderly taking a bucket of water, soap, and brush to wash up the blood that flowed from the wretched creature that was lying insensible at their feet. I have seen two orderlies together, hastily for near half an hour in washing the blood from the floors of the ward and cell and from the walls. I have seen one poor old man with his face and body laid after one of these murderous on-

slaughts of the officers of my ward. I have heard the one cry he gave when he got his death-blow. I have seen him on the following day lying in bed, his eyes and face black with bruises, his wrist full of blood that he was after vomiting, lying on the stool beside his bed, and I have seen him carried up to the infirmary to die in less than 24 hours after his removal from the cell. This old man's name was John Steel; he occupied a cell near to the one I was in; he was reported by one of the officers of the ward, Mr. Humphries or Mr. Pierce, for "insolence," and got 28 days' bread and water and penal cell. A day or two after undergoing this punishment he was reported for, I believe, the like offence, "insolence," by one or other of the same two officers, and got another 28 days' bread and water, penal cell, and punishment cells. The officers, Mr. Humphries and Mr. Pierce, were the turnkeys in charge of him while undergoing this punishment, and this old man with his dying lips declared that they were his murderers. Mr. Humphries had knocked him down, and he was kicked while insensible; such I am told was his story. The officers, Mr. Humphries and Mr. Pierce, of course denied they had killed John Steel, and so the matter ended; and so it would be if they had killed me or any of my fellow-prisoners. Within the past six months there has been three or four cases in the ward I am in at present similar to the case of John Steel, only these men did not die, but they were taken to the infirmary, or under medical treatment in their cells; their heads laid open, and eyes and face laid from the batons of the officers of my ward; the very officers who have charge of me. The orderly who assisted one of these poor men to the hospital told me that the poor creature when on his way there exclaimed every minute, "Oh, my head, my head; let me lie down." This poor wretch, whom I allude to, is a cripple. On the 1st May 1869 I saw a criminal in handcuffs taken from the governor's office and locked up in a cell within a few days of noon, he commenced ringing his bell; three officers came, assistant warders Mr. Humphries and Mr. Pierce, and warden Mr. Humphry. They first took the precaution to lock up all the criminals in the ward, they looked my door also, to prevent the possibility of anyone witnessing the premeditated murderous beating they were prepared to inflict; they then coolly went into their victim's cell and beat him till he became insensible; while in a state of insensibility they unlocked the handcuffs, pulled his hands behind his back, handcuffed the hands behind and left him. Dr. Campbell came in about half an hour after, I cannot say what he said or did, but I know that the gashes in the poor wretch's head were not dressed till the second or third day after the occurrence. The shrieks of this man while the officers were beating him indicated the rest of the criminals in the ward; they kept shouting to the officers "Don't murder the man, you bloody swine! Don't murder the man!" On the following day the traps in the cell doors were ordered to be kept shut for the future. Mine was also shut as well as the criminals. This is a part of the treatment incidental to the condition of a prisoner in an invalid prison, and to which I and my fellow-prisoners are liable to be subjected to at the caprice of the prison officials at any moment.

In conclusion I repeat once more, let those who would defend the discipline of which the foregoing is a part, very much promised in this invalid prison, and treatment to which we have been subjected, account scientifically, or how they please, for the rapid ruin of our health, without admitting either that we were exceptionally or that there was not a due regard paid to the conditions necessary for health. Our removal as sick-bedded convicts to hard labour stations was at the instance of the medical officers of the convict service, and our removal as permanent invalids from these hard labour stations to this invalid convict prison was at their instance also. It was not kindness nor leniency, nor consideration, nor high feeding, nor warm clothing, nor dry cells to sleep in, nor dry shirts

See Question 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

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to work is, nor regard for the conditions necessary for health that brought about the rapid changes that killed more than out of my fellow-prisoners, drove Messrs. Carey, Burke, and Keates mad, left me an "incurable" invalid, plunged others who are now in this prison into pitiable, not to mention those suffering from less formidable diseases, but yet not after all trivial maladies for convicts. Irish political convicts at least are not provided for trivial affections, so many of our friends can testify, whose relatives, though in a debilitated and impaired state of health, are still detained in Portland and Chatham.

This I conclude is the true light to look at our treatment, and the true way to test it. I am prepared to have my accusation and charges denied, as doctor denied that he refused to treat me for the piles in punishment cells, and told me to "shove them up," though the Reverend Mr. O'Leary, the R. C. chaplain, can testify that at the time, no more than two years ago, I repeated for him the words that Dr. Campbell made use of to me, and I said to the reverend gentleman that the vilest criminal in the prison would not have made use of such words if I had shown him the state I was in. Yet after all, and notwithstanding all official denial, the one great fact still remains which cannot be denied or got over; namely, that I was an able-bodied man when removed from Pentonville to Portland, and that I am now and have been for the past three years and a half an invalid in this prison, with a permanently impaired constitution, "an incurable disease," as the medical members of the Commission may see if they choose, and unfit for labour owing to the weakness and pains of my loins, the loss of blood from the piles, and the prostration of the intestines.

If I were not an able-bodied man when sent to the quarries of Portland, it showed on the part of Dr. B. a disregard of the conditions necessary for health to send me to one of the severest convict stations in England, and it showed on the part of Dr. Bicker not only a disregard of the conditions necessary for health to keep me working in the quarries, and to refuse to either treat me or examine me medically, but a determination to utterly and irreparably destroy my health and deprive me of life slowly but surely, securely and with impunity; if I had not applied to the director, and if he had not interfered in my behalf. I have seen in this prison five of my fellow-prisoners, who were sent with me from Pentonville as able-bodied convicts to the quarries of Portland, invalided from their prisons to this within the past three years and a half; some of them physically broken down, others both physically and mentally. Mr. Barry, I have seen leave this prison on a prisoner's back a perfect wreck, unable to walk to the waggon at the gate. I saw Mr. Carey leave it a lunatic. To produce either or both of those effects upon me and my fellow-prisoners appears to be the object of the Government in prolonging our imprisonment, for they have already unconditionally released several of my fellow-prisoners, many of them not suffering from bad health, as I and many of my fellow-prisoners still detained in prison have been some 18 months ago, who had been convicted of more serious offences in the eyes of the law, and sentenced to a much longer term of penal servitude than I and several of my fellow-prisoners; so that we are now punished, not for what we did but for what we might do if released, and to prevent the possibility of our doing anything, either against the Government or for ourselves, they appear determined to retain us in prison, not to reform our political opinions, but to utterly ruin our health. This is our belief and conviction.

WILLIAM FRANCIS ROANETTES,
Woking Invalid Prison,
5th August 1870.

187565. (Chairman.) In page 44 of your statement this passage occurs:—"I beg pardon, my lord, has it been printed yet?"

187567. I have it in my hand printed for our use?

—I would like to be accommodated with a copy of it previously.

187568. No. We told you that it would be sent to us, and that we would use it as we saw fit. In page 44 you say, respecting the mode of searching, that "the officers are not slow to take advantage when they desire to gratify their insatiable lust of passion." I am instructed by the Commissioners to ask you on what points do you wish to tender evidence with respect to that statement, and whether you have any definite information as to dates and persons who may be called should they desire to do so?—Myself, personally, my lord, I have not, but the Roman Catholic clergyman and a prisoner who was in the cells.

187569. What is the name of the prisoner?—Dillon.

187570. Mr. O'Leary is the Roman Catholic clergyman you refer to?—Yes, my lord.

187571. (Dr. Lyons.) Do you know anything about it personally?—Not this case, but I saw a case myself that the officers were not connected with, and I brought it to the notice of one of the officers. He said he could not report that I said I saw it between two persons.

187572. (Chairman.) What is the name of that officer?—Mr. Humphries. He said that he did not see it himself, and he could not make a report of it.

187573. You say that Humphries declined to take the charge?—He said he could not report it as he had not seen it himself. Then I said, "You could say as much as would get those two men separated."

187574. You have nothing else of your own knowledge to add?—Nothing else on that subject, my lord. I spoke of the case of the clergyman at the time.

187575. There is another statement which you made on another point. You say in page 47,—"I have seen an unfortunate criminal's head laid open even in this invalid convict prison; as the heads of wretches" inebriated, as the Reverend Mr. O'Leary, Roman Catholic priest, can testify." When did you see anything of that sort, and what was it?—I have mentioned a case that came under my own observation, my lord, the last of May, 63, it was.

187576. You do not give the date here; repeat to us what it was that you saw?—This man was not an inebriate.

187577. What is his name?—I cannot tell his name now, but I can give a description of the affair.

187578. (Mr. Brodrick.) You are not now speaking of John Steele?—No, that is another case.

187579. (Chairman.) About what time of the day was it, and what did you hear?—This prisoner was after coming from the punishment side to the opposite side of the ward for one or two minutes.

187580. (Mr. Dr. Fere.) What is his name?—I hardly know the names of any of them.

187581. (Chairman.) Was he in a cell?—Yes, in the punishment side of my ward; that is the opposite wing from me. He was there doing punishment two or three months, and he was taken off from this punishment and put to the same side a few doors from where I was.

187582. How do you know what happened to him?—I saw him and heard him telling some of the men in the ward.

187583. You saw him brought to a cell near you?—Yes.

187584. By whom was he brought there?—The officer removed him.

187585. What was the name of the officer?—I cannot tell; the officer of the ward. I think it must be Mr. Pearce.

187586. Or Mr. Humphries?—I think it was Mr. Pearce I heard him say.

187587. What did you hear?—I heard him first ask the officer to take him back to the punishment cell again.

187588. (Mr. Brodrick.) You heard this prisoner ask to be taken back to the punishment cell?—Yes, I heard the prisoner ask the officer to take him back to the punishment cell again. The officer refused because he had not committed himself and had not done anything. I heard him say to the prisoner

W.F. Roanettes

12 Aug. 1870.

W.F. Bassett,
19 Aug. 1879.

opposite to him as I was passing down that he had a very short time to live.

13,778. (Mr. De Vere.) You heard this prisoner say that?—I heard this prisoner say that "I am very sick; I have a very short time to live, and the sooner you kill me the better." I said, "The sooner you get out of that place the better for you; unless you get out of that place you will be killed."

13,780. (Dr. Lyons.) You said that?—Yes. "You seem to me," said I, "like a man that has delirium;" for he was a young man and had a stoop in his shoulders. Well, that afternoon after the dinner went on he commenced breaking all the windows in his cell, this prisoner did. He threw a stool up at them and smashed them. He was put in handcuffs and taken before the governor the following morning. I saw him taken out from the governor's place, and he was put back again to the cell. I do not know what punishment the governor gave him, but a short time after being put into his cell—he had his handcuffs on him, and he commenced ringing his bell, and Mr. Humphrey, and Mr. Humphries, and Mr. Pearce, an active officer, the three officers came and shut off our doors and shut my door.

13,781. What are their names?—Mr. Humphrey, and Mr. Humphries, and Mr. Pearce. They shut all our doors. I asked Mr. Humphrey what did he shut my door for. He said "It will be only for a few moments;" so when they went in I heard blows, repeated blows, and strikes.

13,782. (Chairman.) You heard blows?—Blows and strikes, my lord.

13,783. Who were the officers?—Humphrey, and Humphries, and Pearce.

13,784. Did you hear any words?—There were struggles, that is all, and screams. The prisoners were shouting, so that I could not hear what the man that was beating might have said; because they were shouting through the traps; the traps were open and the prisoners were roaring out, the officers "Don't murder the man." I mention there what they did say. So after that, when the door was open, I saw the orderly of the ward with a bucket. The orderly called for a bucket of water and brush, and flames to wipe up the blood. The orderly told me that the man was lying insensible while he was wiping up the blood; that they took the handcuffs from before the man they were beating and put them behind his back.

13,785. (Dr. Lyons.) Who was the orderly?—He is not at present in the prison.

13,786. What is his name?—Morton. But I have seen this prisoner myself, my lord, two days after with his eyes and his whole face livid, and his eyes black and his head out; and his head was not dressed for some time. Whether he would not let it I could not say, but it was not dressed, the orderly told me, for some time. I saw his eyes livid and black.

13,787. Is that prisoner still here?—He is not, he is sent, I am told, to Dartmoor.

13,788. (Chairman.) You do not know his name?—No.

13,789. (Dr. Lyons.) Would you know him again if you saw him?—I would. He is a young man. I believe he asked to be sent away from here. I heard so at least. I never spoke to the man only that one word passing down. I told him if he did not keep from that side he would be killed, and he said that was what he wanted; that he was tired of his life. He broke the windows, perhaps, to get to the opposite side. They were after giving him two or three months' penal class.

13,790. Why did he wish to get to the opposite side?—He said he was in a bad state of health and that Dr. Coughell would not do anything for him, and he would certainly die, and the sooner he would die the better. I told him "If you are going to there it will certainly kill you, for you look very bad," and then he said, "I want them to kill me."

13,791. (Mr. Broadbent.) One side of the ward is devoted to penal cells, and the other side not?—Yes.

13,792. (Dr. Lyons.) Did you see any blood washed up?—Yes, as I was passing I saw the man on the floor wiping up the blood.

13,793. Did you see the blood?—No; I have seen blood; not his blood there.

13,794. On that particular occasion did you see blood there yourself?—I could not stand at the door, for the officers would not let me stand there.

13,795. (Chairman.) The question is, did you see blood on the floor?—I have seen them washing up blood on the floor.

13,796. (Dr. Lyons.) Did you see blood on the walls?—I did not see blood on the walls.

13,797. How do you know that what the men was washing up was blood?—Well, I could not come to any other conclusion. He told me that he was washing up blood, and I heard the blows. Another thing he told me that one of the buttons of one of the officers broke; for something snapped.

13,798. (Chairman.) Who told you that?—The orderly told me that one of the buttons was broken.

13,799. Did the orderly tell you that he was washing up blood?—He did; that he was washing up blood.

13,800. (Dr. Lyons.) Are you quite positive as that?—I am quite positive on that.

13,801. (Chairman.) What have you to tell us about John Steele?—I have described his case there.

13,802. What date did this occur that you tell us about John Steele?—September '68 I think; I cannot exactly remember the date; I am not fully certain; or September '69; I cannot tell which.

13,803. You state, "I have seen a poor old man" with his face and body livid after one of those atrocious onslaughts of the officer, when he got his "death-blow." I have seen him on the following day "lying in bed, his eyes and face black with bruises, a "pot of blood lying on the stool beside his bed; and "I have seen him carried up to the infirmary to die in less than 24 hours after his removal from the cell. "This old man's name was John Steele." You go on to say that his cell was sent to yours; that he was reported by Hughes or Pearce, and got 28 days' bread and water and penal class; that a day or two after undergoing this punishment he was reported by one of the same officers and got 28 days' bread and water and penal class; that this old man declared that the warders Humphries and Pearce were his murderers, and that Humphries knocked him down, and he was kicked while insensible. Now how much of that did you see yourself?—I have seen this old man when he was brought and committed for punishment from the opposite side.

I have seen him after doing 28 days' punishment committed again; and one morning, about the expiration of the second month, I was sitting at breakfast and I heard his shriek, and it struck me as a very unusual thing. I said something to myself at the time. I did not hear any blow, only one scream, and all silent after that. He was some distance from me, my lord.

13,804. At the end of the second 28 days?—Towards the end of the second 28 days.

13,805. (Mr. Broadbent.) Can you not be sure whether it was last year or the year before?—I cannot. I think it was in '68; some time in '68. I never thought, you know, that I would be called on to speak of these matters, and the date of them escapes my recollection; events never do.

13,806. (Dr. Lyons.) In reference to so serious a matter can you not distinctly remember whether it was in '68 or '69; reflect now, and state to the Commission in what year it occurred?—It was not September '68. I am not certain; it was not that. It might be '68.

13,807. In what year was it?—'68, the latter end of '68.

13,808. About what time of the day did it occur?—This was breakfast time, in the morning, that I heard this scream.

13,809. That is 7 o'clock in the morning, is it?—No, earlier, a little after 6 o'clock.

13,810. Was it daylight?—Oh yes.

18,811. Was it broad daylight?—There is always *gay* lighting when it is not daylight.

18,812. Can you remember whether it was daylight or not on that occasion?—When I heard the scream it was daylight.

18,813. (Chairman.) How do you know that it came from John Steele?—I did not know that it came from John Steele; but the next day, as I was passing by his cell, I saw him lying in bed with his eyes livid—black, and a pot of blood lying by his side, resting on a stool by his bedside, black.

18,814. Did you speak to him?—I did not speak to him, but the orderly came down—one of the prisoners came down—when I was at the closet, to throw out the blood.

18,815. (Dr. Lyons.) Could you see that it was blood?—Oh I saw it distinctly; it was black.

18,816. (Chairman.) Was that the day on which you heard the scream, or the next day?—The day after.

18,817. Do you know what was the name of the officer?—I do not, my lord.

18,818. Was Morton the name of that prisoner?—Morton was the name of a prisoner, my lord, but Morton was not the man that carried this. I think it was a patient that was in the adjoining cell; because the patients assist each other in that way.

18,819. When you returned from the closet did you see this man lying still there?—Oh yes, for some days. He miled a little, and came down one morning, three or four days after that, to the closet, and his face was black and yellow.

18,820. Have you any knowledge as to who it was that struck the blows, if blows were struck at all?—I have not, my lord. Mr. Pearce and Mr. Humphries I am told he accused. I am told they drew up a statement in writing denying the charge.

18,821. (Mr. De Vere.) Do you know was there an inquest on John Steele?—There was; there was an inquest.

18,822. (Chairman.) What was the verdict?—I cannot say, my lord, what the verdict was.

18,823. Were you produced as a witness?—Oh, no. I do not know that there was any witness at all brought forward. You know it would not be prudent on my part to go forward and volunteer evidence.

18,824. (Dr. Lyons.) Why do you say it would not be prudent for you to tender evidence at the inquest?—Well, in my position, sir, it would not.

18,825. Why?—Well, there was a case; I heard of a case a short time before I came to the prison, in the very cell I occupy now. Dr. Campbell required him to get up out of bed, and it was pulled from under him. The man said he was not able to get up, and the bed was pulled from under him, and he died in 24 hours. When prisoners in the ward volunteered to give evidence they were displeased, and it was published in the papers that it was a conspiracy to injure Dr. Campbell. One of them was sent away to Dartmoor, and the other died since.

18,826. (Chairman.) What are their names?—These two prisoners; one was Burton, and the other he died in prison here since.

18,827. (Dr. Lyons.) Was it apprehension on your part that prevented your giving evidence in Steele's case?—I did not, sir; I did not know that I would go forward to give evidence at all.

18,828. I want to know what prevented you?—Apprehension; because I was convinced that it could not do any good whatever to myself or to anyone else.

18,829. (Mr. De Vere.) You have spoken of two cases; one Steele's case, and the other the case of a prisoner whose name you do not know?—Yes, sir.

18,830. In which of those cases was it that you saw the orderly wiping up the blood?—In the first case.

18,831. Is that the case of the prisoner whose name you do not know?—Yes, he is guilty to Dartmoor; at least I am told it is to Dartmoor he was sent.

18,832. Did you in Steele's case see anything of

wiping up blood?—I did not, because he was on the opposite side from me.

18,833. Can you state the name of the orderly that you saw wiping up the blood?—Morton.

18,834. Was there more than one orderly wiping up the blood?—At that time there was only one; but I saw myself another case, and two men wiping up what I believed to be blood—what one of them told me was blood. It was scattered on the walls, and everywhere. I heard screams.

18,835. Are you now referring to another case?—Yes, a case I have not spoken of at all.

18,836. (Dr. Lyons.) What is the name of the prisoner whose blood you saw scattered over the walls?—He was an Italian that attempted the life of the governor. They beat him. Two or three of the officers beat him. I saw him all blanched down when going out to exercise.

18,837. You saw the blood?—I saw them wiping it up—two men—one wiping up.

18,838. (Mr. Bradrick.) Was that immediately after the assault?—Immediately after. My door was shut up. I was ordered to go inside. I could not see any more.

18,839. (Chairman.) Who were those officers that you say beat the prisoner?—I could not say the names of the officers.

18,840. (Dr. Lyons.) Was it officers or orderlies that were wiping up the blood in that case?—Orderlies. It must have been orderlies, for I saw them stoop and wipe up the blood.

18,841. Do you know the names of those prisoners?—I do not. The Reverend Mr. O'Leary knows, or at least might have seen. There is an imbecile down here, too, named Daly, at present in this prison, and he has a large cut in his head.

18,842. Did you mention him in this paper?—I did not.

18,843. (Mr. Bradrick.) What is his name?—Daly; he is one of the imbeciles.

18,844. (Dr. Lyons.) Did you see a cut in his head?—I am told by the men.

18,845. Did you see it?—I did not, but you can see it now yourself. Ten or 12 days ago I was told that the wiles man is in it still.

18,846. But did you see the cut in his head?—I did not. I am telling you what I did see of it, as I came in from exercise. I heard the shouting as I was out of exercise. When I came in the orderly of the ward showed me a bag piece of hair that was cut off and dotted all with blood. This is one of the imbeciles. I saw it myself.

18,847. What is the orderly's name?—His name is Hayes; I saw it myself.

18,848. (Chairman.) In page 48 you say that it was exceptional treatment to compel me, a Roman Catholic, to assist at Protestant prayers in hospital in Portland, and not permit me on a Sunday, or any day for five weeks previous to leaving, to attend the holy services of mass. Were you under punishment at that time?—I was an infirmary patient, my lord. I was not under punishment.

18,849. It was the regulation, was it not, that no patient in the infirmary should assist at the mass?—Oh no, my lord; they stopped me from going.

18,850. Were there any other Roman Catholic patients in the infirmary at the time?—My fellow-prisoners was going at the time.

18,851. Was he a Roman Catholic?—He was.

18,852. And he was permitted to go?—He was permitted to go.

18,853. Was he in the infirmary with you?—He was not in the same room; they put him in another room from me. I saw him called to go.

18,854. Were the prayers by the Protestant chaplain?—The Protestant chaplain and scripture reader. They used to come alternately.

18,855. How were you compelled to take part, or was it that you were obliged to sit still?—I was reprimanded for not paying attention. I had a hook in

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my hand, and I was ordered to lay it down and pay attention.

13,856. What book was it?—Not a prayer book, but a book that I was reading before they came in at all. I did not tell you this before, that I spoke to Mr. Smart when he reprimanded me. I asked him, "What do you wish? I did not misconduct myself; do you want me to join in the prayers of the prisoners?" That was long after. "Yes, that is what they want," he said.

13,857. (Mr. De Vere.) Did they ask you to kneel during prayers?—There was no one knelt down at all. They used to read those books in the afternoon in those places. They were books transcribing my religion and my countrymen, though I did not speak about it; but some other persons objected to it. One prisoner asked me to read it, and I said, "No. I am compelled to listen to it," said I, "but it is too much to ask me to read those books."

13,858. (Chairman.) A prisoner asked you?—A prisoner asked me. One prisoner asked me to read out this kind of book very often. One prisoner asked me, "Will you read it this evening?" I said, "No." They were delicate enough to stop the reading then, but I did not object to it, and I told them to go on if it amused them; "It is not you I blame, but others."

13,859. (Mr. Brodribb.) I see another passage before that, in which you state that you were compelled to engage in cleaning and polishing the shoes and cleaning the closets. Was that work done in the infirmary by the prisoners?—There were orderlies in the infirmary.

13,860. How were those orderlies chosen?—I cannot say. They are sent in from the works; men that are not patients; but patients voluntarily assist them, the same as they do here, but they are not compelled to do it.

13,861. What is it that you complain of there?—I was compelled to clean their shoes. Immediately after being reported by Mr. Smart for not paying attention to the duties the doctor came in. I spoke to the doctor, and I asked him, "What have I done to put me in here?" I spoke to him in a low tone. I asked, "What have I done to merit this punishment?" "What punishment," he said out loud, "do you call it punishment," he said, "to put you in here, out of a cold cell into a warm room?" "No," says I, "you could not inflict a greater punishment on me." "Then," he says, "I will take good care that each and all of you seen that come to this infirmary will come in here, and 'somewhere else.' I told him again that I did not deserve any such treatment as I experienced since I came to the infirmary. "You have shown," said he, "an evil temper." I asked him to show me an instance of it.

13,862. What doctor was that?—Dr. Blaker. "I will enter into no discussion with you," says he. He walked away saying, "Make this man useful here."

13,863. What I want to ascertain is this: Were other patients in the hospital compelled to do the same work?—As far as I could know they were not ordered by the governor or by the director; but I have seen them voluntarily, the same as they do here, men that are patients assisting the orderlies, because they are not altogether disinterested probably in doing so.

13,864. In this case who required you to do so?—The officer of my ward.

13,865. (Chairman.) You say in one portion of your statement, Reardon, that from the 6th of November 1886 to April 1888, a period of 17 months, your wife and family had no letter from you save a reception letter written on your arrival at Woking in February 1887?—That letter was suppressed, the letter I wrote in Woking on my arrival; but I was permitted to write another.

13,866. Then during the 16 months how often were you permitted to write; you wrote a reception letter?—February, I wrote one.

13,867. Did you apply for leave to write again before April '88?—I applied the following month of April, and I was told I could not write on account of

marks; on account of the last that were stopped from me at Portland. I said I was six months in third class, and I was in probation class then; and six months after that I was permitted to write.

13,868. What were you told was the rule as to writing letters in probation class?—One every six months.

13,869. You wrote in February 1887 you say?—In February '87 on my arrival I wrote.

13,870. Six months after that would be about July '87. Did you write then?—Oh yes, my lord; I wrote before then, but actually I would not have written that at all if it was not for my seeing here, because the governor of Portland had stopped me for a longer period than that.

13,871. For what period did he tell you your power of writing would be stopped?—The last letter that I wrote he said six months. It is my intention to submit all these letters. The first letter you will take a note of what was underlined in part. This is the second letter that was suppressed in Portland. I looked over these letters since.

13,872. You say that you wrote a letter in February 1887. Do you recollect when it was that you wrote the next letter?—I can see by this here in a moment; February 1887.

13,873. After that?—January '88.

13,874. Then you did not ask for permission to write between then?—Oh decidedly. I asked repeatedly; and this one I have no recollection of writing, but I suppose I must have written it, because it is here; it is a special letter.

13,875. After February '87 when did you next ask for leave to write a letter?—I asked repeatedly during the time, and I went before the director to speak of this, and begged of him to examine into the case that was brought against me. I mention that in my statement, that I went before the director and begged of him to look to the report made against me in Portland, and he would see that from the second, first of all I will begin with Penitentiary. If you will permit me, my lord, to submit these letters they are corroborative testimony.

13,876. If you put in these letters we will look them over; however, you can go on with them as evidence now?—Here I find in this—

13,877. Just attend to me now, please. Did you remain in the probation class during the whole period from February 1887 to April 1888?—I was six months then in the other class, April 1888.

13,878. Then you got out of probation class?—I did; at least I suppose so.

13,879. Just recollect when you got out of probation class. Did you then ask for leave to write?—I have asked repeatedly. I cannot say without referring to this. No; I have asked, and begged, and went before the director.

13,880. You cannot tell whether you asked for leave to write in September?—I cannot tell you the dates, but I know I made applications to the governor and director both about writing the letter.

13,881. (Dr. Lyson.) How many letters did you write between February '87 and April '88?—That special letter; one special letter. There is the whole list. (Hands to a document.)

13,882. That letter was sent out?—That letter was sent out.

13,883. How many other letters did you write that were not sent out?—None at all; none at all. No letter was suppressed from during that period. I was not furnished with pen, ink, and paper during that period.

13,884. (Chairman.) You cannot tell us whether you asked or not?—Decidedly, my lord, I asked.

13,885. But you cannot fix the date?—I cannot fix the date, but I am positive I asked. If I had not come in here I would not have written that letter in February, and the last letter I wrote in Portland was in November; so if it was left to Mr. Clifton I would be from March '88 to April '88 without writing; I would, my lord, if I had not come in here.

13,886. (*Mr. Broadrick*.) That is, you would have remained in probation class during that period?—Yes, and six months after being out of the class I would have been permitted to write again.

13,887. (*Chairman*.) Was anything said to you by the governor in Portland in reference to his keeping you from writing?—The last word he said to me when I was leaving, "I will keep you from writing," he said.

13,888. What did he say before that?—He said, "You are charged with locking your door in last December." It is there in my statement.

13,889. (*Mr. Broadrick*.) On what occasion was it that you drew up the appeal to the Secretary of State; I do not think you have fixed the date?—In August 1867 it was. The statements were furnished to me and taken from me. That statement to the Secretary of State I had, and it was taken from me. You told me the last time here that you would have it before you, and it is my wish to have it inserted in that revised statement. I speak of my letters in that statement to the Secretary of State by depriving me of the privilege of writing. My wife told me when she did come to see me that my long sentences had nearly killed her.

13,890. When you drew up this petition to the Secretary of State, what expression did you say it was that the governor used to you about it?—When I was sending away he said, "I will keep you from writing."

13,891. I am not speaking of Mr. Clifton, but of the governor of this prison?—The governor of this prison had nothing to do with stopping my writing.

13,892. I am speaking about your petition to the Secretary of State?—He said, "You need not hope this will go to the Secretary of State."

13,893. Did you receive any reply from the Secretary of State to this petition?—A long time after, two or three weeks after, the deputy-governor had a paper in his hand reading for some prisoner, and he said, "You wrote a statement to the Secretary of State." I said, "Yes." He said, "There are no grounds."

13,894. (*Chairman*.) Was that Captain Harris?—No; the deputy-governor that was here at the time. Captain Harris is only about six months or so here.

13,895. (*Mr. De Vere*.) Did he say, "There are no grounds," as expressing his own opinion, or as an answer that had arrived?—As an answer I understood it to refer.

13,896. As an answer from the Secretary of State?—He did not say from the Secretary of State or board of directors; but this other one I was under the impression I got some kind of answer to it; but I find here by this that the governor tells me there is no answer to my statement.

13,897. (*Mr. Broadrick*.) Is that the statement to the board of directors?—To the board of directors. On the 24th of January I wrote it. On February the 4th I asked the governor was there a reply, and he said, "There is no reply to your statement."

13,898. (*Dr. Lysons*.) What year was it in?—69.

13,899. (*Mr. De Vere*.) You say in page 44 that you were subjected to a very improper naked search in the presence of 30 persons?—Yes.

13,900. Where was that?—In Pentonville; after my arrival in Pentonville.

13,901. That was the search after your arrival?—That was the search after my arrival.

13,902. Were the 30 persons who were present officers or fellow-prisoners?—Fellow-prisoners and officers. There were 23 fellow-prisoners and a great many officers.

13,903. In what place did the search take place?—In the middle of the hall. We were drawn up one side of the hall; the clothing was on the opposite side, and we were taken up one by one and stand in the centre in this way.

13,904. Was that by day or night?—By night. The officer had a lamp in his hand. There was gas lighting.

13,905. (*Chairman*.) Was that on the day of your

arrival from Dublin?—The evening of our arrival from Dublin.

13,906. (*Dr. Lysons*.) From what document is this quoted that is contained in page 37 of your statement: "The governor said, 'I will see about it' side 'copy of application to governor, 7th September 1868, a copy of which I have before me. The governor writes, 'Says it is necessary to apply cold water after relieving nature, and therefore cannot use his chamber.' Dr. Campbell is in so, and cannot it be managed in his cell? Dr. Campbell writes an answer to this query: 'This man suffers from piles, but the bucket of cold water in his cell appears to be sufficient.' The governor shook at this suggestion writes, 'No; on no account to use his bucket; let him have a second trial and water in it.'" From what is that copied?—September the 9th.

13,907. From what is it copied?—From my own applications to the governor.

13,908. Is it copied from records furnished to you?—Furnished to me by the prison authorities.

13,909. Furnished to you for the purpose of this Commission?—Yes.

13,910. (*Chairman*.) Was it a general order that after dinner no prisoner was to be allowed to go to the closet?—Not up to the period I have stated; it was an unusual order. At the time I did know it was the order. I never saw any prisoner prevented, and I never was prevented before; and after this I was not prevented to go. I went before the governor and made this application.

13,911. And he said, "I will see about it"?—Yes. I find he referred to Dr. Campbell, and this is Dr. Campbell's reply.

13,912. (*Mr. De Vere*.) You have made a long statement here about your having found Humphries at one time, when you came out from confinement, outside the door with a pencil in his hand, under circumstances which led you to believe that he had been listening to what you had been saying to the priest?—Yes.

13,913. Have you anything further to state on that matter?—I have said particulars of it here. I brought it to the notice of the Catholic clergymen and the notice of the governor, and the governor told me, or at least he told Mr. Humphries to keep me locked up in future when the priest would come into the ward.

13,914. When was that; when did you bring it under the notice of the governor?—The following morning.

13,915. Can you give the date?—I cannot give the date, because I have not the date myself. I cannot give the exact date of it. I have some notes here, some verbal evidence to submit to the Commission if they would hear it.

13,916. (*Chairman*.) On what points?—On some of these notes, and I have other matters.

13,917. You were told that you must put on this paper that was to come before us everything you wished to say?—My lord, you told me that I might make a verbal statement.

13,918. No doubt, on the matter within this paper?—Yes, my lord, full evidence.

13,919. Bearing on these points?—Bearing on those points.

13,920. But we cannot have another written statement, you know. Any point on which you may wish us to question you we will?—Some of these written notes I have filed up that I did not submit at all; I did not mean at all for this to be printed, it was only for my own reference.

13,921. (*Mr. De Vere*.) Have any of these notes that you are speaking of reference to the question I have just asked you?—Yes.

13,922. Can you state to the Commission any further facts on that matter?—I will tell you the whole of it as it has occurred, verbally. Mr. Hanley told me that the priest was in his office about half-past 6 o'clock at a little before half-past 6 o'clock. I went down. I had my name down on the list and I

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went down to his office, and I went in, and when I went in there were two candles lighting; the gas was not lighting that night. I stopped 15 or 20 minutes inside, and when I came out (there are two doors, one in the ward and the other outside of the ward) I came out one door outside the ward, and I turned into the ward and I saw Mr. Humphries. He was standing in this way (without stooping). I just moved up quickly. I had a pair of cloth slippers on me, and I moved noiselessly. He had a slate and pencil in his hand. He held his head down. I asked and looked at him; he said nothing to me nor I to him. I moved towards the closet. I thought it better not to speak to him. I went back to my cell. He came down and looked my door. I asked him what was he stopping at my door for. He asked me what did I ask him the question for. I told him I had very good reason. "Well, I will not tell you," he says. "Do you think," he said, "I was listening to what you was saying to the priest?" "I have no more to say to you on the subject," says I. He shut my door, locked me up. I rang my bell, and told him if the priest was still in his office I wished to see him further. He did not come to answer my bell for some time, but when he did come he told me the priest was gone. I heard the priest's voice a short time after, and I rang again. He told me, "The priest has come back again;" so I went up and told the priest the whole thing. The priest tells me that Mr. Humphries went to explain to the priest that he was checking the returns, or sending in the returns, and that he went there to get a light.

13,923. (Mr. De Fere.) Was it the door of the priest's office or the door of your cell that he was at?—The door of the priest's office.

13,924. You said you asked him what he wanted at the door of your cell?—He came down to look me up.

13,925. Where does the priest have confessions?—At this table office.

13,926. (Chairman.) The office has two doors?—Two doors.

13,927. One opening into the corridor and the other into the ward?—Yes.

13,928. And you went out the one opening into the corridor?—I could not go out the other one; it was closed.

13,929. Is it a single door?—They are both single doors; one of them is a door like this. The door I went out is smaller than this.

13,930. We will ask Mr. O'Leary about it.

13,931. (Dr. Lyons.) Were you making your confession at the time?—I was not.

13,932. You were privately speaking to the priest?—I was speaking privately on certain matters; but the officer, of course, did not know what I was doing.

13,933. (Chairman.) You can withdraw.—Will I have an interview with the Commissioners again, or is this the final interview? I have much to say here. I wish to look over these papers and draw attention to them.

13,934. We told you that this was to be your final statement, and that you might supplement it orally if you wished to do so?—That is what I wish to do, my lord. I have much to say on these. I wish to draw your attention to the letters that were suppressed.

13,935. We have told you that you can leave the suppressed letters, and we will look over them. You can hand them in?—They are marked here, and they will not take me a moment.

13,936. No; we will look over them?—And the medical case sheets at Pentonville; that corroborates what I speak of in that letter.

13,937. We have that before us.

13,938. (Mr. De Fere.) We have that in a much siller way?—He does not mention what he gives me on those two days that occasioned the strangulation of the pikes; and, my lord, you told me that the last time I was here, if there is anything particular in my statement I wish to bring to your notice.

13,939. (Chairman.) Is there anything particular?—There are a good many facts here and there I wish

particularly to bring to your notice. I have put them here, so I will read them for you, my lord.

(The Commission briefly deliberated.)

13,940. (Chairman.) The Commission desire me to communicate to you that they have had before them, and have now before them, this full statement, and they are prepared to give every consideration to it, and to examine such witnesses as they may think necessary on the points mentioned therein. They cannot allow you to lay before them any other written statement; but if there be any points in this statement which you have already laid before them on which you wish to make any additional statements now by word of mouth you can do so?—I have not been furnished with the statements that I required. There are some few points that I wished particularly to bring to your notice.

13,941. What are the points?—First the immediate exposure.

13,942. That has been before us?—The fact that I have been stripped naked in the hall.

13,943. The mode of searching you object to, you say?—The fact that I was deprived of my garments on arrival at Pentonville.

13,944. That you have stated here?—That the jacket, waistcoat, and drawers given us on my arrival at Pentonville were damp, nasty-smelling, and hot in the piercing breeze, and not near so warm or heavy as those I took off. You will find that in my letter.

13,945. That we have taken a note of?—I wish particularly to draw attention to this, that I had no supper on the night of my arrival save four or six ounces of bread, four ounces of cheese, nothing to drink; but the officer told me I could have more.

13,946. These are points to which we should give attention without your mentioning these again. What I said was that you might say anything that was additional.—(No reply.)

13,947. (Dr. Lyons.) We have read this statement with great care, and we know all these points.

13,948. (Chairman.) These are points into which we shall inquire.

13,949. (Mr. De Fere.) There is not a single one of the points you have mentioned that has not been carefully noted by the Commissioners with the view of examining either you or others upon them?—Here is something new; one effort I suffered previously to my leaving for Portland. I told Dr. Brady I could not return the prolegues without lying down on my back, and Dr. Brady sent me to Portland as an ill-bedded prisoner.

13,950. (Chairman.) That we will inquire on of Dr. Brady?—After writing in Portland I was stripped naked and exposed as before in Pentonville.

13,951. (Dr. Lyons.) Is not that in this report?—It is not, sir.

13,952. We have it very fully?—I showed the drawers and stockings that were saturated with blood in the wash-house to some of my fellow-prisoners. Mr. Mulcahy can corroborate it, and the officer that I showed it to, he said to put in a basket of cold water.

13,953. Have you stated that in this paper?—I do not think I have. Every day for three months while I was working in the quarries I was losing blood and suffering pain from prolegues. When I was some time in Dr. Baker's I was not losing blood. He admits I was losing large quantities of blood. You will see by referring to the case sheet that he admits I was losing, "but not so much as when I was admitted."

13,954. (Chairman.) What is the date of that?—The medical case sheet in Portland, one month after my admission, the 23rd of October 1868; two months after my admission nearly. "Still passing a small quantity of blood with the motion, but the quantity is much reduced to what it was when he came in."

13,955. (Dr. Lyons.) What do you say in reference to it; do you say that you were passing more blood?—No; the only thing I say is, that I was three months working in the quarries, and Dr. Baker admits that I was losing more blood when I

was working in the quarries than when I was inside. Here is—"Lost a large quantity of blood since yesterday!" This is the first time that I called his notice to it at all, or that he saw the blood.

13,926. (*Mr. Bredrick*.) What date is that?—On the 24th of September 1868. I mention in my statement the whole case. I drew the notice of the officer to it first, and he went and called Dr. Blaker. "He has lost a large quantity of blood since yesterday; a considerable quantity of blood," he again mentions here on the 18th of October, "A considerable quantity of blood." He told Mr. De Cane in my hearing, after being seven weeks in the infirmary, that I was losing large quantities of blood.

13,927. (*Dr. Lyons*.) We have that on page 8 of your original statement?—Dr. Blaker said to me three months after my admission, "You may well dread the coming winter." Dr. Hazen told me that if I was my own master I might get cured of my disease without any operation. Dr. Blaker was present at this.

13,928. We have all that here?—There is another thing. The day after we were sent to the quarries myself and fellow-prisoners were compelled to carry a large trough of the prisoners' excrements, and dig a hole and bury it. That is not in my statement.

13,929. (*Mr. De Vere*.) That was in Portland?—In Portland.

13,930. Can you give the date?—It was the day after we were sent to the quarries, in May '66.

13,931. What had you to carry?—We had to carry a large trough full of the criminals' excrements some yards distance from where we were working in the quarries, and dig a hole and bury it.

13,932. (*Dr. Lyons*.) Did you make use of that clean-scent yourselves?—Not at that time.

13,933. But you did afterwards?—Afterwards we had to do it every week, but it was full when we got there that day.

13,934. Are those things not done in rotation by parties?—We did it in rotation, but we were detailed, two every Monday morning, to carry this same distance off.

13,935. (*Chairman*.) Were the other prisoners in their turn set to work at it?—We were working by ourselves apart from the others.

13,936. We are now speaking of the carrying of the excrements in a pan. Are not other prisoners in their turn set to do the same work?—I cannot say, my lord, but I suppose they had to do it; but I know that we had to do it after them, and that no other criminals had to do it after us.

13,937. (*Mr. De Vere*.) You complain that although being put to work separately at that place the filth from the other party remained there, and you had to remove it?—Yes, we had to empty out the pail. And the clothing—I must draw your attention to—it is entirely omitted in winter.

13,938. Where?—Both here and in Portland.

13,939. (*Dr. Lyons*.) Have you not mentioned that in your statement?—I do not think I have mentioned it.

13,940. (*Mr. De Vere*.) You have spoken a good deal about clothing on your first arrival from Ireland?—The change of clothing.

13,941. (*Chairman*.) You state that the clothing here is entirely insufficient in winter?—In winter. I got a jacket in Portland to wear, and I wore it more than a year and a half, until it was quite threadbare. It was not lined when I got it, and when I had it worn out I got a second-hand one that someone else had. The other prisoners have been furnished with new ones always.

13,942. (*Mr. De Vere*.) Are you now speaking of the clothing at Portland or at Woking?—Both places. I say they are not; in fact, the clothing is the same in both places. If I was discharged from the infirmary this is what I would have on me, but a short jacket without any lining whatever, my lord; and insufficient to protect an able-bodied man in the cold of winter. It is a fact that the food is calculated to make invalids of able-bodied prisoners. It has not

the necessary qualities to keep up the health of a robust prisoner, or support the invalid.

13,943. (*Dr. Lyons*.) In what do you say the food is bad?—In quality.

13,944. What kind of food?—The beef, especially the beef; and the mutton. The mutton is generally not so bad, but the beef is very inferior.

13,945. In what respect?—I have seen bull-beef repeatedly; very thin beef, not fit hardly for human food; and the slices of beef.

13,946. How do you know that it was bull-beef?—That is my profession, a butcher; at least, I know a good deal about it; my father had been one. I know from my childhood the very look of meat.

13,947. That is the reason I ask you?—Yes, positively; and I have got on one occasion a small portion of five ounces, and there was nothing else than the gristle of the animal, with a little bit of gristle attached to it.

13,948. Are you sure of that?—I am certain of it. I took it out, and showed it to my fellow-prisoners.

13,949. (*Chairman*.) What date was that?—A short time after coming here, after being discharged from the infirmary. I showed it to my fellow-prisoners.

13,950. Did you show it to any officer?—The officer saw me.

13,951. What was the name of that officer?—Mr. Scammell; and he told me it was contrary to the rules to show it to my fellow-prisoners.

13,952. He is not here now?—He is here, my lord. He told me it was contrary to the rules to show it. I threw it over the wall into the field, and I said, "That is my dinner."

13,953. Did Scammell recognise what it was?—No. I said, "Look at that." He saw me showing it to others. He said, "That is contrary to the rules; that would create a mutiny"; not to do that any more. So I threw it away out of hands.

13,954. Then you did not tell him what you thought it was?—I did not.

13,955. (*Dr. Lyons*.) Are you positive that it was what you have said?—I am certain it was.

13,956. What else have you got as food?—I have got a piece of skin of beef for roasting beef. I have seen the slices of beef that come here; there would be four out of a dozen that would not have any meat at all on them; all cut away, and nothing but what we call shin bones, or marrow bones and gristle; four of them would not have any meat on them at all.

13,957. In what stage did you see them?—Before cooking; after cooking out of the cart. I had an opportunity of seeing every day for 12 months the meat coming to the establishment.

13,958. What do you think of the meat that you saw coming in during 12 months?—What I have told you, sir. I refer to the scale of diets here; I can take it down and show you. There is arrowroot here; a pint of milk allowed for an ounce of arrowroot, and instead of that scale you get it furnished to you in a pint cup. Certainly you could not have all that in a pint cup.

13,959. Why could you not put it into it?—If a pint of milk will fill a pint cup, how will you put an ounce of arrowroot into the same vessel?

13,960. Will not the arrowroot dissolve in the milk?—Certainly; but here again there was pudding diet—two ounces of rice, an ounce of sugar, an egg, and a pint of milk, allowed for rice pudding. That pudding is served up in a vessel that will not hold a pint at all.

13,961. Then you allege that some of the vessels are deficient in size to contain the quantity?—I allege that the prisoners do not get the actual scale. I cannot say how it is, but I know certainly they do not get it. How could you put a pint of milk, two ounces of rice will swell up; it will not dissolve in the milk, nor the egg will not dissolve in the milk. How can you put all that into such a vessel?

13,962. (*Chairman*.) How do you know that the vessel will only hold a pint?—I have measured it, my lord, and told the officer.

W.F. Rooster.

18 Aug. 1878.

W.F. Macneil.

11 Aug. 1876.

13,993. How did you measure it?—After I would eat what would be in it—it would not be half full—I would fill a pint of water to see would it hold a pint, and it did not hold a pint.

13,994. (Dr. Lysons.) Was it much short?—No, it was not much short; it flowed over.

13,995. Was it worth speaking about?—Well, it certainly did not hold a pint, and it could not possibly hold two ounces of rice in the raw state boiled and swelled up. It would fill the vessel why with nothing else than that.

13,996. I want to know the measure of the vessel; was it short by a raggin?—It was short more probably half a glass or a glass. There are little dishes, but these large dishes are not quarter full.

13,997. (Chairman.) We will look at these vessels?—You will be shown these large dishes. The tins are never washed inside, and I can tell there has been a report in the book that a man that was shaking them up actually shook the excrements out of one of our dinner tins.

13,998. Where did you hear that?—It was reported to the governor, and of course he sent an orderly to examine the tins, I suppose, directly after coming from the prisoners.

13,999. (Mr. De Vere.) Your complaint is that the tins are not cleaned before food is put into them?—Yes. I had porridge one time, and it used to swirl with the oil of the greasy mutton the day before. In an establishment of this kind I cannot expect to get the best of anything.

14,000. Who are the diners?—Prisoners that are in the cook-house. I was one day in the cook-house and saw the process, and therefore I can speak from my own observation about the matter.

14,001. If there is a fault in the cleaning of the tins it lies with the prisoners and not with the prison officers?—They have not possibly time to clean them in a better way than they do. They never get a rub of any kind inside; a towel never enters them at all.

14,002. You have mentioned a very remarkable case of some very disgusting filth being found in a dinner tin. Could it have been found in the tin if the prisoner whose duty it was to clean the dinner was had done so?—This was after the dinner. A man often ate his dinner, and he could not afterwards get out to the closet, and he used his tin. It is quite a common thing to make a use of the dinner tin.

14,003. (Dr. Lysons.) Had those men urinals in their cells?—They had a urinal, but by using the urinal they had the trouble to clean it; so by using the other they had not the trouble to do anything.

14,004. You mentioned something about the mutton?—The mutton in general is much better than the other meat.

14,005. Is it very good mutton?—Well, none and ones; but the ewe mutton now is not so bad as it would be at other times of the year.

14,006. Have you ever noticed the raw mutton?—Yes, very often.

14,007. Would you know raw mutton by the quality of the meat?—I would know raw mutton by actually smelling it in fact; but I have seen it coming in, before it was cooked at all.

14,008. Has the meat been always, as far as you have observed, in pretty good condition when brought in, or when used?—Do you mean sweet, sir?

14,009. Yes?—In general; I myself have got two or three maggots in the mutton they had, but they were not very far gone, and the meat was not spoiled.

14,010. (Chairman.) What day was that?—I showed it to the officer. He wanted me to send it back.

14,011. What is the officer's name?—McGreer.

14,012. (Dr. Lysons.) Were you able to eat the mutton?—I had two or three bits of it eaten before I saw the maggots, and of course I did not eat any more once I got that.

14,013. Was the mutton itself bad?—Mr. Hanley saw it and McGreer, both.

14,014. Was the mutton itself bad?—Well, wherever the maggots are it must have been bad.

14,015. A small piece might. I wish to know from you whether it was bad on that occasion?—Well, it was not actually stinking, because if it was I would have smelt it before eating it.

14,016. (Mr. De Vere.) Have not the prisoners the power of returning such food, and having it inspected?—Yes.

14,017. Did you take that course?—Not with that, I did not.

14,018. Did you take that course in the former case, when you got the stringy bad piece of beef?—I did not; for you would have to go back yourself, and stand for a certain portion of time at the cook-house. The officer compelled me to go back at one time with a piece of mutton—of beef.

14,019. (Dr. Lysons.) What was the matter with it?—State of beef for roast beef.

14,020. It was not tainted?—No. It was not the right dinner for me, he said; it was a light labour dinner, and I should have it exchanged, because I was sent to heavy labour that day; so I went back to the cook. "What do you object to in that?" said he. "Skin of beef," says I. So he would not give me anything else; so I left it with him and went away.

A short time after the officer brought me a piece of mutton in place of it. He brought the deputy-governor and told him to look at the meat that I was after sending back. I heard it from one of the prisoners. The prisoner told me that the deputy-governor said "He did right to send it back, for it is skin of beef!"

14,021. Who was the deputy-governor at that time?—That time, Mr. Finny.

14,022. (Chairman.) You can withdraw now?—There is another thing, my lord. This first report against me, brought by the officer in Portland. I was seven months a prisoner at the time; more than three months in Portland, and three months in Penzance, and there was not a report of any kind whatever against me until the officer that was over me got an order from the governor to make this report; and I can here three years and a half, and there is no report against me for my insolence. I wish to speak particularly of that case of Dr. Campbell, that he said I spoke untruth to him when he told me to shove them up. He told you in the last interview, in my presence, that I spoke untruth to him on that occasion.

14,023. (Mr. Broadbent.) He did.—I am giving you the particulars so far. I think I have given you the particulars of that interview, about the trap slide I spoke to him. I think I have entered more of it here in this paper. And about the washing of my cell, I have not alluded to that at all, my lord. In September '69 the governor gave orders that the floor of my cell should be washed by the order regularly twice a week. The officer of my ward did not carry out this order. Five days after issuing the order I brought it to the notice of the governor, and he told the officer that my cell should have been washed. My cell was then visited, but not washed by the order, were then cleaned. A criminal named Smith opposite took a whim to wash his cell opposite mine every day in the week, and he did it on Sunday and Christmas Day, and he lost his voice. I requested Mr. Humphries to have my cell washed in the morning as I did not wish to be locked up at night in a damp cell. For six weeks following the governor's order to wash my cell twice a week my cell was washed once a month, and then not until after or immediately before dinner, when I was going to be locked up in it. One day I went out, and when I came back I found my cell wet and the windows shut. I asked who shut the windows, and I was told that it was Mr. Humphries. Mr. Humphries was continually shutting the windows. Mr. Hazley, the assistant warden, said he did not know, and he permitted me to open them. I objected to be locked up in a wet cell. There was one vacant cell in the ward, and I asked Mr. Hanley to lock me up in that, which he did. If there was no vacant cell I would have been locked up in the damp cell. This

will show the actions of Mr. Humphries. If the day was cold Mr. Humphries might have some excuse for shutting the windows. One thing is certain, that no prisoner could have shut the windows without an order, which the officers keep for the purpose under lock and key.

14,024. (Chairman.) You have told us enough of that?—This trap affix my lord; the doctor told you that I spoke untruly. I wish to explain that I did not speak untruly. (Prisoner reads.) "Early in March, 1870, Mr. Humphries shut the trap of my door and said he had Dr. Campbell's order for doing so. I expressed surprise that Dr. Campbell restrained the governor's order to keep it open. The officer said 'you are now a patient in the infirmary. I told Mr. Humphries that when Dr. Campbell came to the ward I wished to speak to him. Dr. Campbell did come Mr. Henley told me, and Dr. Campbell said he had nothing to do with the trap of the door. On the following morning, when Dr. Campbell came to my cell, I was about to tell him that I had permission from the governor to keep the trap open, and that Mr. Humphries shut the trap and said he had his orders to shut it. Dr. Campbell interrupted me, saying, 'I give no orders to shut your trap; why do you introduce my name? Report this, Mr. 'Fry.' I said, 'You see he would not listen to what I said.' Mr. Humphries spoke to Dr. Campbell and said, 'It was I introduced your name; you ordered me to shut up all the traps.' Dr. Campbell said, 'Did I mention the trap of Room 2's door; the governor wishes an exception in his favour, what have I to do with it?'"

14,025. What date was this?—In March 1870.

14,026. We told you that you must not make any further written statement?—This is merely verbal, my lord. This is all I will go into on the subject; it is about the traps specially, because I am accused of speaking rudely to Dr. Campbell. I will speak from memory.

14,027. (Mr. De Vere.) Reading a paper of that sort really amounts to putting in a third written paper.

14,028. (Chairman.) What other points are there that you wish to bring before us, because our time is limited?—(No answer.)

14,029. (Mr. Broadbent.) What is your complaint about the trap?—Dr. Campbell told you gentlemen that I spoke rudely to him on that occasion, and these are the full particulars. Then Mr. Humphries told me a few days after that Dr. Campbell complained of the dirt of my cell. I said, "Surely if it is dirty it is not my fault; you are aware that the governor gave orders six weeks ago," and there was some prisoner in the ward that asked to do my cell out for me, and Mr. Humphries said I could do my own cell. Dr. Campbell told me the following day that he did not complain of the dirt of my cell. Mr. Humphries then said, "He did do so; he means to speak to the director on the subject." I said to Mr. Humphries, "If there is an order, why don't you carry it out?" "It is ridiculous nonsense," says he, "to make exception for any of you; you are all alike." I went before the director to tell him about the washing of my cell, to show the actions of Mr. Humphries. I spoke about Mr. Humphries being outside my door at the confessional. The director sent for Dr. Campbell and asked him did he exempt me from washing my cell floor. Dr. Campbell replied, "No, but I could not get him to do any work." I then said, "The governor exempted me from washing my cell, for I applied to him, for I consider he has more humanity than Dr. Campbell; for the washing of my cell and sleeping occasions proflapsus and bleeding to continue some days. This is why I applied to the governor, and this is why he exempted me. There were over 150 chronic patients in the infirmary besides, and they are not asked to wash the floors of the cells and wards they occupy." The director asked Dr. Campbell was I fit to send away from the prison. Dr. Campbell said, "Yes, he has not con-

plained for some time; he was taking exercise when I visited his cell daily." Dr. Campbell told me for months before to go on using the medicine he had prescribed; that he could do nothing more for me. He never objected to my having exercise, yet he complained to the director that I was out at exercise when he visited the ward. The director said, "You can have a sheet of paper, and I will lay your statement before the directors." I replied, "I have been reluctantly compelled to complain to you now, and you threaten to send me away to another prison. If you do it will surely kill me. The prison officials may do what they like on future occasions; there is no use in my complaining if I complain only to reveal on myself."

14,030. (Chairman.) That was your statement to the director?—Yes, my lord. I appealed to the governor then, and asked him. I said, "I am convinced that the governor will say no prisoner has given him less trouble than I have." The director said, "You must write what you have to say; I hear something about you every time I come here." Now there is the complaint against me, and there is my statement, and see the charges brought against me, and what has the director been told about me. Dr. Campbell alluded to the trap of my door, but did not tell the director that I spoke rudely. He has told the Commissioners I have spoken, and the affair of the trap was the only evidence he could adduce as proof of that allegation.

14,031. The Commission do not think it necessary to go any further into that matter. Were you subjected to any additional hardships on account of this report?—I have been misreported to the director, my lord; not because of the threat to send me away, but because I had given them trouble they say. My disease is slowly, steadily getting worse since ever I came here. I did not look well, and Dr. Hanson, after my admission to the infirmary said, "You look so well, you stupid man, why didn't you show me this before?" I said, "You would not allow me; you spared me away."

14,032. That you went into before.

14,033. (Mr. De Vere.) How long is it since you have been examined for those piles?—Oh, it is a long time; a long time; a long time. Dr. Campbell when he admitted me in August last, the 31st of August, when he admitted me last August, he prescribed for me then. A short time after I told him and he told me, "Use those remedies; I cannot do anything more," or some such words; "go on with those remedies."

14,034. (Dr. Lyons.) When did they bleed last?—On last Saturday, sir. Will you please to call up the officer and ask him the state of my liver, or will you be kind enough to look now and see the state of my liver?

14,035. When do you say you last bled?—This day; this hour, in fact. I was at the closet when I was sent for, and I am partly bleeding yet. I did not complain to Dr. Campbell. I tell him I wish some ointment. I have been told by the doctors in Portland that I am incurable, and when Dr. Campbell tells me that he cannot do anything more for me, what is the use in complaining to him?

14,036. (Chairman.) The examination is closed now. You can withdraw, if you please?—Will I have another interview, my lord?

14,037. No; I do not think it will be necessary?—Because there are other matters that I wish to speak on—a verbal statement. I have not quite finished yet with the Commission.

14,038. If we wish to see you again you will hear?—I have another matter to speak about—another officer that I will refer you to. Two months ago I showed him my liver.

14,039. What is his name?—Mr. Humphries. I had a chop for dinner; no, it was scented diet, I had five ounces of meat. I asked him to weigh it with the bone out. Mr. Humphries weighed it, and said it was two ounces and a half light.

W.F. Roanoke.

13 Aug. 1870.

W. S. Roanoke.
12 Aug. 1878.

14,040. Were you present when it was weighed?—I was not; but he said there was two ounces and a half of bone in it or sinew. I could not cut it. He said that I could not cut it. I showed him my shirt the following Saturday night. I said it required more than two ounces and a half of meat a day to account for that.

14,041. (*Mr. De Vere.*) What is the name of that

The prisoner withdrew.

Rev. J. O'Leary.

The Rev. J. O'Leary testified.

14,044. (*Chairman.*) Mr. O'Leary, there is a statement to which I wish to call your attention in a paper which we have received from the prisoner Roanoke. It is to this effect: "I have seen unfortunate criminals' heads laid open in even this invalid convict prison; "aye, the heads of the wretched imbeciles, as the Reverend Mr. O'Leary, the Roman Catholic priest, can testify." What can you tell us as to that statement that the officers with their bones broken the heads of criminals?—There is one prisoner on whose head I have seen marks which made me think that he had received some serious wounds. How they were produced I do not know; but the report of the prisoners is that they were inflicted by the warders.

14,045. Was that man named Steele?—I heard a report that Steele had been ill-treated by a prisoner. I also noticed some slight wounds on a prisoner named Flood.

14,046. (*Dr. Lyons.*) Do you remember anything of a similar kind in reference to a man named Daly?—Yes; Daly is the man on whom the wounds were inflicted, which I thought were serious.

14,047. Not Flood?—Flood also had some wounds, especially excoriation under the eye.

14,048. Daly was the man whose head was cut?—Yes, Daly.

14,049. Did you see the cut?—I saw the blood and hair matted over the forehead.

14,050. (*Chairman.*) How soon after the occurrence did you see that?—I should think the day after, if not the same day.

14,051. Did Daly make a statement to you, or is he incompetent to make a statement?—He is incompetent to make a statement.

14,052. Was it inquired into?—Not that I am aware of.

14,053. How long ago was it?—About two or three weeks ago, I perceived his head in a wounded state.

14,054. Do you know that his head being in that state was brought under the notice of the authorities?—I rather think that it must have been brought under the notice of the doctor. I have heard since that it was seen with silver wire, and I suppose that that circumstance would prove that it must have come under the notice of the doctor.

14,055. (*Mr. Brodick.*) Have prisoners ever complained to you of such ill-treatment as that having been inflicted on them?—Repeatedly.

14,056. Of being struck by the warders?—Of being struck by the warders; but more frequently since the imbeciles have come than before.

14,057. Have prisoners complained of having themselves been struck, or have they spoken of having witnessed blows inflicted on imbeciles?—Both complaints have been made.

14,058. By imbecile prisoners or by prisoners of sound mind?—By both. I remember distinctly that a sane prisoner complained to me that he had been ill-treated by a warder.

14,059. (*Dr. Lyons.*) Do you think that less occurred often?—I do not think a sane prisoner has been frequently unnecessarily ill-treated by a warder. I do not think that has been of frequent occurrence; but the imbeciles have exhibited marks of ill-treatment several times since they came here.

14,060. Have you seen those marks?—I have almost invariably seen them when they were inflicted on a viable part of the body.

14,061. Were there many instances of such cases

often?—Mr. Humphries; and Mr. Greene told me last Saturday night, "That is very bad; have you spoken to Dr. Campbell?"

14,062. Is he a warder or an assistant warder?—He is a warder.

14,063. Warder Greene, last Saturday night?—Last Saturday night. The other officer, Mr. Humphries, he must have seen it.

under your notice?—I should think the number is about four or five.

14,062. For what period of time?—Within the last four months. I think it is about four months since the imbeciles first came here. Since that time they have the marks of ill-treatment of which I have spoken, whether inflicted on them by themselves or others I cannot say.

14,063. (*Chairman.*) I was going to ask you the question, as what ground you came to the conclusion that they were inflicted by the warders and not by themselves?—I never came to that conclusion, my lord. I always held my judgment in suspense on that point.

14,064. Then you do not make the statement as implying that the warders struck them?—I do not.

14,065. (*Dr. Lyons.*) Have you any reason to think that the warders in this prison have been unnecessarily harsh to prisoners in any way, or have struck them?—Not unless I give credence to the statements of the prisoners. If I give credence to the statements of the prisoners, then I must answer to the affirmative.

14,066. Has anything come under your own notice to dispose you to believe that the statements of the prisoners with respect to ill-treatment were well founded?—I was disposed to believe it in the case of injuries which I witnessed on the imbeciles; I was inclined to think that they had been inflicted rather by the warders than the imbeciles themselves, though I could form no certain judgment on the matter, and I could not doubt it in the case of the same prisoner in which I have referred.

14,067. (*Chairman.*) Do you recollect the occasion on the Saturday of the fourth week in Lent, in March 1870, when the prisoner Roanoke came to you in your office, and after quitting you went out the door that went into the yard, and then went round and found, or alleged that he found, Humphries standing outside the other door of the office, with a slate and pencil in his hand?—I recollect the case.

14,068. Did Roanoke come back and tell you about it?—He did, my lord.

14,069. I believe he brought the matter under the notice of the governor?—He did.

14,070. Was it inquired into?—I believe so.

14,071. You do not know it yourself?—I do, and I think the decision was that there were no grounds for the complaint.

14,072. I believe Humphries stated that he was filling up some prison returns and not taking notes?—That was his explanation to me, my lord.

14,073. (*Mr. Brodick.*) Have you any reason yourself to believe that Humphries was posted there for the purpose of sowing-dropping?—Perhaps if I state the facts first my opinion might have more weight, in whatever way it will incline.

14,074. Perhaps that would be the most convenient course?—After having had an interview of, I think, about 20 minutes with Roanoke, he left me, and immediately returned with an expression of surprise and indignation on his countenance, and stated to me that after having turned the corner he caught Humphries standing at the door, listening in an attitude of strained attention, and that as soon as he got a glimpse of him coming round the corner, Humphries turned on his heel and commenced to make some entries on a slate. Humphries afterwards, supposing, that the prisoner had been complaining to me of

what he had observed, offered an explanation of the occurrence.

14,075. (*Chairman.*) Humphries did to you?—Yes; and his explanation was, that as it was dark, and so he was obliged to make certain returns in the evening, he took advantage of the light of a window that is in a recess opposite the door at which the prisoner found him standing. I recollect distinctly that it was rather dark at the time and that the gas was not lighted in the ward, and if I could only recollect that that was an exceptional occurrence, it certainly would have been to me a convincing circumstantial proof of the truthfulness of the statement of the prisoner. But to tax my memory, I really could not recollect whether the gas had been left unlighted until that late hour previously, nor could I say it has been left lighted since until such a late hour. However, when my attention was called to the circumstance that the gas had not been lighted, though it was rather dark in the ward, that certainly led, in my opinion, circumstantial probability to the statement of the prisoner.

14,076. (*Mr. Brodick.*) To the statement of the prisoner?—Yes, that the warder was listening at the door.

14,077. (*Chairman.*) That the gas was not lighted. Would not that be the very reason for going near the window?—It would if the gas could not, or should not be lighted at that time.

14,078. (*Mr. Brodick.*) The officer alleged that he put himself there to receive the light of the gas?—No, but the light from the window.

14,079. If so, surely the circumstance of its being dark and no gas lighted, would give probability to the officer's story?—It would, if an exceptional occurrence, rather go to prove, I think, the statement of the prisoner, because if it was an unusual circumstance, that exceptional circumstance would invest the conduct of the warder with a certain degree of suspicion, because on that night that the prisoner came to see me, if the warder happened not to light the gas until a later hour than usual, that would make it appear that he left the gas unlighted, in order to listen unseen at the door.

14,080. It being his duty to light the gas?—I could not say whose duty it was to light the gas.

14,081. We understood from Rosetree that he was not with you for purposes of confession?—He was not.

14,082. But that was the place in which you were accustomed to hear confessions?—Yes.

14,083. (*Dr. Lyons.*) Do you think a conversation carried on in that room in the tone of voice that that was, as well as you remember, would have been audible to the warder standing where he was?—I think it would have been audible to the warder standing where the prisoner states he saw him standing.

14,084. You think it would have been audible to him?—Yes, if he stood in the position that the prisoner described, that is, with his ear close to the door.

14,085. (*Chairman.*) Is it a single door?—It is a single door, my lord.

14,086. (*Dr. Lyons.*) Is that room always used as the confessional of the prison?—It is used at present as such, but there is a new confessional being made, and until that is made we are forced to use the most convenient place we can get.

14,087. (*Mr. Brodick.*) If a prisoner complained

The witness withdrew.

ROBERT MANSFORD HUMPHRIES examined.

14,088. (*Chairman.*) You are a warder in this prison?—Yes, my lord.

14,089. How long have you been a warder here?—I have been a warder about five months, my lord.

14,090. Five months?—About that; but I have been an assistant warder since March 1856.

14,091. Were you in charge or assistant charge of the punishment side of the ward in which the prisoner

to you of having been ill-used or beaten, or otherwise ill-treated by an officer, what course should you pursue; should you feel it your duty to bring it before the governor yourself?—That is the course I have pursued at last.

14,088. And was an inquiry instituted into the case?—The prisoner was at once released from the punishment cell and placed in the infirmary to be treated for contusion of the cheek bone just under the eye; but it could not be proved, at least the authorities did not think it could be proved, that it had been inflicted by the warder, or that the warder was to blame even if it had been inflicted. Sometimes some of the inmates become violent and threaten to take the lives of the warders, and in some cases a certain amount of violence may be necessary.

14,089. (*Dr. Lyons.*) Do you mean violence or restraint?—Supposing only one warder is in the ward, and a prisoner rushes at him and threatens to take his life, I think that some violence may be necessary in self-defence.

14,090. Has a prisoner access to any weapon with which he could take a warder's life?—He may frequently have. Sometimes the sweeping brush may be about, and other weapons of that sort.

14,091. (*Mr. Dr. Fere.*) How long has this office of which we have been speaking been used as a confessional?—Ever since I came here, sir, that is about two years and a half ago.

14,092. Have you been satisfied yourself during that time, or been aware that it was possible, that what was said in the office could be overheard at the door?—During the time of confinement I think it would be very hard for anyone, no matter how attentively he listened, to overhear, because the confessions are generally conducted in a very low tone of voice. But there may be an absolute possibility of a person who has been standing close with his ear to the interstices of the door, to hear even a low whisper. But I must say that I never suspected that anybody would place himself at the door for the purpose of listening, until this circumstance had been brought to my notice by the prisoner Rosetree.

14,093. Is there generally any suspicion on the part of your flock that their confessions can be overheard?—I do not think there is the slightest suspicion amongst the prisoners that it is possible.

14,094. Was it at your suggestion that the new confessional is being now prepared?—Yes, it was at my request.

14,095. (*Chairman.*) That, in your judgment, will be effected?—I have no doubt that it will, my lord.

14,096. (*Mr. Dr. Fere.*) Was the conversation between you and Rosetree on that occasion in a loud tone of voice, or was it in the low tone in which confessions are generally heard?—He spoke to me and I think I spoke to him without any restraint whatever.

14,097. Do you know whether he ever suffered any consequences, or was in any way punished in consequence of what he said to you on that occasion having been overheard?—I do not. He has not been punished to my knowledge for anything he said to me on that occasion.

14,098. Has any circumstance transpired which would lead you to believe that the conversation had been overheard?—Nothing has transpired to my knowledge that would lead me to that conclusion.

The witness withdrew.

ROBERT MANSFORD HUMPHRIES examined.

Rosetree was in May 1859?—I was assistant, my lord.

14,099. Were you assistant?—Yes, my lord.

14,100. I think one side of the ward has punishment cells and the other side ordinary cells?—It has, my lord.

14,101. Was there at that time a prisoner at the punishment side of the ward who was moved over to

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a cell at the other side?—I cannot say, my lord; there were a great many of them.

14,108. Do you recollect the occasion on which a man asked to be transferred back again to the punishment side of the ward?—I cannot say, my lord, unless I heard his name.

14,107. His application was refused, and thereupon the prisoner said, "I shall soon get killed if I stay here"?—I have no recollection of it, my lord.

14,108. Recollect the next evening made some observation to him to the effect, "You will soon get back if you do not get out of this." This man was put back into the cell by order of the governor. I have not got his name?—I have no knowledge of him, my lord.

14,109. On the fifth week in Lent in this present year, the end of March or beginning of April, do you recollect your being in the gallery outside the priest's office when the prisoner Roostree came round, having quitted the office and gone out the external door and came into the gallery, and accosted you?—Yes, my lord, I recollect it well. He accosted me of listening.

14,110. He accosted you of listening?—Yes, my lord.

14,111. Where were you standing at that time?—In A. ward, the ward I had been in charge of. I had taken charge at half-past six and was going round the ward; at least I had been round the ward, taking the numbers on a slate.

14,112. The numbers of what?—The numbers of prisoners in the ward, with the different diets. There is a window exactly opposite the side there, and I was standing there to get a light from the window. The window might be here and the door there, and here outside the door where Roostree came out. There was one man standing at the window, which was a sink, and five men outside the door waiting to see the Roman Catholic priest.

14,113. Was that the door by which Roostree came in?—No, sir; one side door may be so this, and the sink there, and round this corner would be the door which they entered; and when I was going up the ward he called me and said, "What are you doing there, Mr. Humphrey?" I said, "What do you mean?" He said, "What brought you there?" I said, "Expulse yourself." He said, "Oh, that will do." That is all, and shortly after, two or three minutes after, after the priest had done with this man, I went and made a complaint to him, and told him I felt annoyed that the prisoner Roostree should come me of listening outside the door during the time he was there. The priest asked me if I was listening, and I said, "Certainly not, I never dream of such a thing." He then said, "Well, my opinion is that any man guilty of listening—I do not say you were listening?—should not be here." I said, "Anyone committing such a thing had no business in the service." He said, "Well, you had better see the governor to-morrow morning and make some statement." I said, "I feel very much annoyed that the prisoner should make that statement of me."

14,114. Have you told us exactly what you were doing?—I have told you, sir; I had been sent back, getting the numbers of prisoners, together with their diets, telling them up for the principal warder, who was overhead.

14,115. You were standing in that particular position for the sake of getting light?—Yes; I do not recollect the minute now, but I recollect the occurrence; at half-past six we relieve each other; it was twilight.

14,116. (*Mr. De Vere*.) Could the men who were waiting to be admitted to see the priest see you?—They were standing just sideways, one at the door and four or five at the sink waiting.

14,117. There was nothing to prevent them from seeing you?—Every one of them could see me, sir.

14,118. (*Dr. Lysons*.) Was it your duty to light the gas in that division?—No, sir, the prisoner generally did that.

14,119. Was the gas lighted later that evening than

on other evenings?—No, sir; we never light it with twilight.

14,120. (*Chairman*.) Do you recollect a prisoner of the name of William Harris?—Yes, sir.

14,121. Was he in the ward of which you had charge or assistant charge, about the beginning of May '69?—Yes, sir; he was there under punishment.

14,122. Was he transferred from the punishment side to the other side of the ward?—He was, my lord.

14,123. Did he apply to be transferred back to the original cell?—No, my lord. I recollect he refused to leave the punishment cell when his time expired.

14,124. When he refused to leave the punishment cell was any force employed to remove him from it?—Not to remove him. Yes, my lord, there was force used. He was ordered to be handcuffed behind his back for striking principal warder Humphrey.

14,125. (*Mr. Reddick*.) Was it in the punishment cell that he struck the warder?—In the opposite side, sir. Both sides of the ward are used for punishment occasionally. When one side is full any prisoner under punishment is placed on the other side.

14,126. Under what circumstances did he strike warder Humphrey?—He struck warder Humphrey during the time that he was handcuffing him, sir.

14,127. (*Chairman*.) Which cell was the prisoner in while the warder was handcuffing him?—No. 3, I think, my lord, if I recollect right.

14,128. Was that on the same side as Roostree's cell?—Yes, my lord; Roostree's was No. 7.

14,129. The next cell but one?—Yes, my lord.

14,130. Had the doors of the cells in the ward been open previously to the struggle which you say took place on that occasion?—We opened the door, my lord, to shift the handcuffs from front to behind, in consequence of his kicking and pulling at the door, and pulling the bell.

14,131. When you say "we," who were you?—Principal warder Humphrey, assistant warder Pearce, who was in charge of the cell, and myself as assistant to Pearce.

14,132. Were the doors of the other cells in the ward open at the time?—Both closed. There are two doors in the punishment cells on the other side, both of which were closed.

14,133. Was Roostree's door open?—Roostree's door was always opened, my lord.

14,134. Was it open when you went to place the handcuffs behind on this prisoner?—I think I went myself, my lord, and closed all the doors previously to opening this prisoner's door. I cannot speak positively, but to the best of my memory I think I did.

14,135. What took place then?—We were ordered by the governor to shift the handcuffs from front to behind, in consequence of his pulling the bells and screaming during the time he was handcuffed with the hands in front. As soon as we got one handcuff off he rushed at principal warder Humphrey and struck him once, that caused him to bleed very much. We then tried to get the handcuff off the other hand, but he endeavoured to make use of it as a weapon to strike with. We had to endeavour to get him down on his face before the handcuffing behind could be done, which we did.

14,136. Was he a bad character before?—He was always a man of bad character before he got imprisoned, and his character was very bad.

14,137. Did you or any of the other warders strike him with your staff?—The staffs were used, my lord, but I do not recollect whether I struck him or not. I know he was struck either by one or other of us.

14,138. On the head?—I cannot say, my lord.

14,139. But you all had your staffs out?—Each of us before we got to the cell. In the struggle I might have hit him, or some of the others.

14,140. Did he become insensible?—No, my lord.

14,141. He was knocked down?—He was thrown down, my lord.

14,142. Do you know whether his eyes became livid and black, and that he showed signs of violence some days afterwards?—I have no recollection, my lord.

14,143. Was there blood on the floor of his cell?—There was, my lord, from his nose.

14,144. Did the principal warder also bleed?—I dare say he did, but I do not recollect.

14,145. Was it in your judgment necessary that that violence should be used with the prisoner?—It was quite, my lord, otherwise he would have a weapon; the handcuffs were figure of eight, and the use of them round his wrist would have been a very bad weapon.

14,146. There was one fastened and one loose?—Yes, my lord, one of them loose.

14,147. (*Mr. Brodick*.) How came he to be removed from one cell to the other, had he finished his term of punishment?—No, sir; he was placed in the opposite division in consequence of the other division being full. When one division where all refractory prisoners are located is full, the division in which Rosestreet is located is used as punishment cells.

14,148. Was he angry at being changed to the other side?—No, sir. His former sentence had expired, and he was detained until further report. If I recollect right it was for writing obscene language on the paint work of his cell. He was then brought before the governor, and in consequence of the governor's awarding him further punishment the prisoner became very violent.

14,149. Did the governor, when he was brought up before him for sentence, order him to be handcuffed?—Not until he began breaking the window; he broke several panes of glass.

14,150. In his new cell?—Yes, sir, on the opposite side.

14,151. In the cell to which he was transferred?—Yes, sir.

14,152. And then the governor ordered him to be handcuffed in front?—Yes, sir.

14,153. How then came he to be handcuffed behind?—Because he was kicking the door and polling the bell.

14,154. Then the governor gave a further order that he should be handcuffed behind?—He gave a further order to remove the handcuffs from the front and place them behind.

14,155. And then the struggle took place?—Yes, sir. He made a rush and struck principal warder Humphrey in the nose, and he struck Mr. Pearce with the head that the handcuff was on. It was remaining on one hand, and as soon as he got one hand released he made a stroke at Mr. Pearce with the other.

14,156. You state that no more violence was used than was necessary for restraint?—We did it to protect ourselves first; and then in order to carry out the governor's order to handcuff him behind, it was necessary to get him on the ground to put his hands behind and handcuff him.

14,157. Do you know whether he was afterwards under medical treatment for the injuries he sustained in that struggle?—No, I think not, sir; he was visited by the doctor in the usual way daily, as all prisoners are in the cells.

14,158. (*Mr. De Vere*.) Explain the way in which he was put on the ground?—In the struggle, sir, I think it was Mr. Pearce put his hand around his waist, and he was lifted off the ground and put on the ground, and then while he was on the ground his hands were placed in front of him, and they were brought back and handcuffed behind.

14,159. Was there much blood on the floor of the cell?—No, sir, not more than what ran from the man's nose when it was bleeding. His nose was bleeding very much at the time.

14,160. Was there any orderly sent to wash it up?—Yes, sir, there always is; there is an orderly kept in the cells, a regular cleaner, for the purpose of cleaning the cells of men under punishment at the punishment side. In the event of anything occurring of course a man is sent to clean it up at once.

14,161. Can you give the name of the orderly who was employed on that occasion?—Yes, sir; the man

was transferred from here to Chesham and since discharged.

14,162. (*Chairman*.) Was his name Morton?—That might have been the man, sir.

14,163. Was there any report of this row made to the governor?—Oh, yes, sir.

14,164. Was it a written report?—Yes; all reports are written, my lord.

14,165. Can you give us the date of that report?—It would be the following morning, my lord. The following morning, the man would be brought up the following morning; he was remanded for the director, if I recollect right.

14,166. (*Mr. De Vere*.) Who made the report?—The record would be in the office, sir.

14,167. (*Chairman*.) In any case of the officers finding it necessary to use a certain amount of force in putting on the handcuffs, would there be a report?—Yes, my lord; it would be sent to the governor for his information, through the chief warder.

14,168. Where would it appear, in the separate cells book?—Yes, my lord; it would be found in the prison report book if the man would be reported. The man in this case was reported the following morning by Mr. Pearce and the principal warder.

14,169. (*Mr. Brodick*.) Was he brought up before the governor for smashing some panes of glass in his cell, on the same day on which he was brought up for writing the obscene figures in his cell? Do you recollect whether he was brought up twice before the governor on the same day?—No, sir; he would be placed on the opposite side of the ward; he would be reported to-day and brought before the governor tomorrow morning, and after that, if he had committed himself after he had left the governor, he would be reported for it and brought before him the following day, sir.

14,170. (*Mr. De Vere*.) Was he distinctly reported for assaulting the warders?—Yes, sir, and for which he was remanded for the director.

14,171. Who proved the accuracy of that report?—Assistant warder Pearce, principal warder Humphrey, and myself, sir.

14,172. (*Mr. Brodick*.) Was Harris a man of delicate health?—He was an invalid, but his general health appeared to be good, for he was not in hospital previously.

14,173. (*Mr. De Vere*.) If there was a report against Harris for assaulting the warder, would it be found in this book?—No, sir; the report would go to the director and be kept on separate paper. All reports for the director are kept on separate papers.

14,174. Must there not be in the first instance a report to the governor?—I should imagine so, sir.

14,175. (*Mr. Pearce*.) How many warders are sent to iron a man?—Two, sir, is the usual number.

14,176. Do the prisoners often make resistance?—No, sir, not very often.

14,177. Why were three sent on this occasion?—Because the prisoner was violent, hammering at the door with his iron, kicking the door, and breaking the window; and when a man is in a violent state like that, it is necessary to send another warder to see that the man is not hurt more than is necessary.

14,178. Is there any concerted plan of action with regard to seizing him?—One generally holds his wrist, sir, while the other warder takes the handcuffs off. If he is not violent, sir, there is no force necessary.

14,179. In any case is violence necessary?—You hold his wrist as tight as you can while the other is taken off.

14,180. Are you instructed how to proceed, or are you left to your own discretion?—To your own discretion, sir, for the officers know the use of the handcuffs.

14,181. Is there any restriction as to the amount of force that a warder may employ?—They are not supposed to use any undue violence, sir.

14,182. Are you cautioned against the use of undue violence?—No, sir, not that I know.

14,183. Is it left to the warder's own discretion as

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to the amount of violence that he may use?—Yes, sir, we are told not to injure a man, sir, if we can possibly avoid it. That is the only thing. We have not any definite order respecting it.

14,184. Can you remember that you struck this man with your staff?—I do not recollect, sir. He might have been struck by myself or one of the others, sir. I cannot say for certain.

14,185. Would he be struck on the head?—I could not say, sir.

14,186. Was he cut on the head?—I do not recollect seeing a cut, sir.

14,187. Where did the blood come from?—Mr. Humphrey's nose, sir, the principal. Some may have come from the prisoner.

14,188. From what part of his body?—I cannot say, sir.

14,189. You have no recollection of seeing any visible wound on him?—No, sir.

14,190. Was there much blood to be washed up?—There were lots of spots of blood, because in the struggle the man's nose had bled.

14,191. Was there blood spattered about on the walls?—No, sir, not that I recollect.

14,192. Did the prisoner strike?—I heard him hitting, sir.

14,193. While you were handcuffing him?—Yes, sir.

14,194. Did you hear the prisoners in the other cells calling out any words to you?—No, sir. The men were making great noise. He was shouting apparently without any motive. I think that I recollect I heard him shout "murder" once or twice.

14,195. Himself shouted "murder"?—Yes, sir.

14,196. Did any of the other prisoners cry out, "Don't murder the man"?—Not to my knowledge, sir. The men were making so much noise that if the prisoners did say it we might not have heard it, because we were all in the cell together.

14,197. Then it might have occurred without your hearing it?—It might have occurred without our hearing it, sir.

14,198. In what position was he when you put on the handcuffs?—He was on the ground, sir.

14,199. Was he lying on his face?—Yes, sir, he was put in that position.

14,200. You these forcibly held him down?—We held him down to get his hands raised.

14,201. Then you had to use a good deal of force to keep him down that?—Yes, sir, but he wanted to lie down to get his hands under him, and we had to get his hands and pull them behind him, and then put on the handcuffs.

14,202. Can you remember distinctly whether he still retained consciousness and was quite sensible while you were handcuffing him?—I am quite certain of it.

14,203. Did he show any signs of becoming insensible at all before you left the cell?—No, sir, on the contrary he was very noisy.

14,204. (Mr. Broadrick.) Did he walk after that?—Yes, sir; after being handcuffed he walked to the other side, and another man was shifted to make room for him.

14,205. (Dr. Lyons.) What position did you see him in after that?—He got into the cell the same as another man, sir, and his door was closed.

14,206. Did you see him soon afterwards?—I cannot say. I do not recollect.

14,207. Have you any recollection of his becoming weak or insensible?—No, sir, if he had we should send for the doctor.

14,208. Was it reported to the doctor that he was bleeding?—That I cannot say, sir.

14,209. If a man became accidentally injured while the handcuffs were being put on him, would it be your duty to report it to the doctor?—The doctor would be informed, sir.

14,210. Would he be informed if the man was bleeding?—Yes, sir.

14,211. (Chairman.) Do you recollect the case of an old man named John Steele?—Yes, my lord.

14,212. He was under punishment 28 days, and after an interval another 24 days?—He was always under punishment nearly, my lord.

14,213. (Mr. Broadrick.) Did John Steele die in this prison?—He did, sir.

14,214. About what date was that?—I cannot well recollect, sir. I know he died, but I cannot recollect the date.

14,215. Was it last year or the year before?—That I cannot say, sir. I should think it was the year before, but I cannot recollect, sir.

14,216. (Chairman.) Was there a coroner's inquest in the case?—Yes, my lord, there is an all prisoners dying in prison.

14,217. Were you examined before the coroner?—No, my lord, I was not.

14,218. Was Mr. Peares?—I cannot say, my lord.

14,219. Who was examined?—I cannot say, my lord. I was not present at the inquest.

14,220. Do you know what the verdict was?—I do not know, my lord, what it was. I think it was something—I cannot say, my lord. I heard at the time, but I forget.

14,221. Was there any occasion on which you, being in charge of the ward, had to use any violence with this old man?—John Steele, my lord?

14,222. Yes?—No, my lord, not that I recollect. He was almost too old for that.

14,223. If it had been asserted that a violent conflict took place between him and the officer of his ward, would it be true?—No, my lord; the man would be too old to touch him. He was a very insolent old man, but he was too old to justify an officer to touch him.

14,224. Do you recollect any occasion on which he was seen in bed with his eyes black and blue and his face contused?—I saw the man with a pair of black eyes, said to be given by a prisoner in the ward.

14,225. Are you sure that these were not given by a wander?—I am quite sure of it, my lord.

14,226. What wander was in attendance on him besides yourself?—Assistant wander Peares at the time, I think, my lord.

14,227. (Dr. Lyons.) Did you say that you saw Steele with his eyes black and blue?—I recollect seeing him with his eyes black.

14,228. (Chairman.) Are you quite sure that he was not knocked down by yourself?—I am quite sure I never did, my lord.

14,229. If it was alleged that he was knocked down by you while insensible, is it not a fact?—I am quite sure that I never struck him, my lord. I am quite sure that is not the fact.

14,230. (Mr. De Vere.) Humphries, have you seen Reantree within the last few days?—I saw him a few minutes ago, sir.

14,231. Have you been in attendance on him?—No, sir; I left the punishment cells, if I recollect right, about the 10th of June, sir.

14,232. Have you any reason to know whether he is still suffering from the bleeding piles?—I have not the remotest idea, sir. I have not been in charge of the punishment cells since the early part of June.

14,233. (Chairman.) Who is in charge now?—Warder Green, my lord.

14,234. (Mr. Broadrick.) Do you remember an occasion about two months ago on which you observed his shirt streaked with blood?—I recollect, I cannot say whether it was two months ago or not, but I recollect some time ago Reantree showing me his shirt, and it looked as though he had his finger inside it and wiped something. There was blood on it about the size of his finger in five or six places, as if he had been wiping something.

14,235. Have you ever lately observed his shoes spotted with blood, so it might be from bleeding piles?—No, sir, not a long time, sir. I know he says he has been suffering from them, sir, for a considerable time; but that is the only time that I have

noticed blood on his shirt—two or three smears as if he was marking something with his finger. He showed it to me.

14,232. (*Dr. Ligon.*) Have you any recollection of any occasion on which he showed you his ration, and that you got it weighed?—That he did, every day, sir, at every meal nearly.

14,237. Do you remember any particular occasion when some bones and sinew were found in the ration?—I recollect once he has given out his tin from dinner about five or six weeks ago, and there was potato peeling and a little sinew and bone. At that time they were old potatoes and he did not make use of many of them, so this was the principal share of the refusal of the potatoes which he did not eat, and on the top a little bit of fockup paper with "W. F. Roanins," and "My compliments to Mr. Wakelin," and "It will make a good pie for number one." This Mr. Wakelin was cook; he is now cook. His compliments was to Mr. Wakelin, the cook, and it would make a good pie for number one.

14,238. What did he mean by "number one"?—I do not know. I suppose number one hospital, sir.

14,239. Did you get the ration weighed for him on any occasion?—I have frequently had it weighed, for he has complained nearly every day.

14,240. Did you on any occasion find a bone and sinew in his ration weighing to two ounces and a half?—No, never, sir. The time I am speaking of I took the whole lot to the chief warden, because I thought it insolent.

14,241. What was done with it?—I took it to the chief warden, and told him that I thought it an insolent thing to do, and he was brought before the governor for it.

14,242. (*Chairman.*) Who was the chief warden?—Chief warden Alison, sir.

14,243. (*Dr. Ligon.*) Have you any recollection of getting bone and sinew in his ration, and finding that they weighed about two and a half ounces?—No, sir;

The witness withdrew.

ALBERT ALFRED HUMPHRIES examined.

14,253. (*Chairman.*) How long are you a warden here?—I have been in the service nearly 20 years, my lord.

14,254. Nearly 20 years?—Yes, my lord.

14,255. Do you recollect being on duty at the punishment cells near the beginning of May 1860, when a man named William Harris was in that ward?—Harris, my lord; I do not remember it.

14,256. I will bring it to your recollection. He had been in a punishment cell and was transferred to the opposite side, and he had to be taken back to the punishment cell. Was not that so?—(No answer.)

14,257. He was taken before the governor for some insubordination, and ordered to be handcuffed. Do you recollect that you and Humphries and Peerce handcuffed him?—I recollect, sir.

14,258. Give us your account of it?—He was handcuffed in front, my lord, to the best of my recollection, and he was ordered the handcuffs to be removed to behind, and in so doing I was, as principal warden, to be present superintending. Humphries took one side and Peerce the other side, taking his hands from the handcuffs. I stood, I suppose, a yard and a half, I deprecate at least, the length of the cell from him, and the moment his hands were removed from the handcuffs he flew and struck me in the nose.

14,259. With his right hand?—Yes, I should say with his right hand, my lord.

14,260. Well, what took place?—The man was violent, and we had some difficulty in putting the cuffs on behind.

14,261. Was he thrown down?—The man was certainly in fault. He threw himself. He was exceedingly violent in putting his hands behind. He was not thrown down, he fell down in struggling.

and generally they are very particular about the ration, and have it marked from the cook-house and given to him direct, sir.

14,264. (*Mr. De Vere.*) Have you ever had occasion to complain about his making complaints of his food to his fellow-prisoners?—No, sir; if there was anything the matter with it he would soon ring his bell and call for us to change it. On several occasions lately he refused all his food and wanted it to be taken back, and said the quality was not good, or something or another.

14,265. Whose duty is it to claim the time in which food has to be served up?—The cooks would do it. The time that comes direct from the cook-house to the prisoners' cells, they would be put on a tray and taken back to the cook-house where they are to be washed.

14,266. Who washes them there?—There are eight men there, sir. I have seen two or three men washing them at a long trough they have there, sir.

14,267. (*Dr. Ligon.*) Have you anything to do with superintending the time on their way back from the prisoners' cells to the kitchen?—No, sir.

14,268. Who carries them back?—The orderly goes and collects the time from all the cells. The doors being shut he takes them through the trap, and in the event of any food being left he calls the officers' attention to it.

14,269. Have you ever known anything foul or bad, such as excrements, yam into a tin so carried down to the kitchen?—I never saw such a thing, but I heard it has been done on one occasion.

14,270. You have heard it?—Yes; I think a man in C. ward was said to have done such a thing. I suppose about two years ago, sir.

14,271. He handed out his tin in that state, sir; but I cannot speak positively, sir.

14,272. (*Chairman.*) You were not on duty in that ward when it occurred?—No, my lord; I was not on duty whenever it occurred.

The witness withdrew.

R. M.
Humphries.
—
18 Aug. 1878.

A. A.
Humphrey.
—

14,262. Were the staffs drawn, at all?—The staffs are always in the officers' hands. That is the order.

14,263. Can you say whether he was hit by a staff?—I should say not, my lord, not wilfully.

14,264. Not wilfully?—There was no necessity for it being done. The man was overpowered, and that was all that was necessary.

14,265. Can you say if he was bleeding?—I should say not. My nose was bleeding very freely.

14,266. Was any part of his person bleeding?—I should say not. There was blood on the floor, but it was from my nose.

14,267. Was he carried to the opposite cell, or did he walk?—That I do not remember at all, my lord. If he refused to go, the general routine would be that he would be carried; but there was nothing to prevent him walking. The man stood up in his cell a few minutes after. I reported the case to my superior officer. I do not remember just now who. I remember seeing the man a few minutes after the occurrence.

14,268. He was then standing up?—He was then standing up, he was.

14,269. And not insensible?—Not in the slightest, my lord. The man made some threatening remark at the time when I visited him, perhaps in a few minutes, not more than three or four minutes I should say even.

14,270. (*Mr. Fredrick.*) Was he hallooing out during the struggle?—He was shouting and threatening us.

14,271. (*Mr. De Vere.*) Did you hear any shouting from the other prisoners?—Not at all.

14,272. Do you know whether the doors of the other cells were closed before this attempt was made to change the handcuffs?—I should say not, if the cells were open when it was about being done. I do not

remember giving any order that any alteration should be made.

14,273. Would it be well, if a struggle was anticipated with a violent prisoner, to close the doors of the other prisoners?—I should certainly give that order to prevent any interference from other prisoners, in case a man had to be removed, or any struggle was anticipated. One great object would be to prevent any disturbance by any other prisoner interfering.

14,274. When you say "interfering," you do not mean hostile interference?—If the doors were open.

14,275. (Continued.) There would be nothing if the doors were open to prevent all the prisoners coming into the ward?—The doors at certain hours of the day are thrown open.

14,276. (Mr. De Vere.) If the doors were open, you suppose that it would be a prudent precaution to shut them?—I do not remember giving the order to shut the doors, or that the doors were shut.

14,277. Do you know if this man Harris was under the doctor's care immediately after I left?—I have no recollection, no more than that the doctor would visit him in the usual routine every day.

14,278. Did you direct any order to go and clean up the cell?—I did not. I have no doubt the cell was cleaned up. The bleeding from my nose was such that I could not have given the order if I was in charge of the ward, which I was not.

14,279. (Mr. Bradbick.) When you are ordered to put a man into handcuffs, how long should you keep him in handcuffs?—24 hours. It would be according to the order we receive, sir.

14,280. Do you generally receive some order as to the time during which a prisoner is to be kept in handcuffs?—A written order, sir. We are bound to have an order from a superior officer before we can do it.

14,281. Does that order generally state that the man is to be handcuffed so many hours?—So many hours, I have always seen handcuffs 24 hours. I do not remember, I do not think it ever exceeded 24 hours.

14,282. Supposing you received an order to handcuff a man, and that no particular number of hours was specified, how long should you keep him in handcuffs?—Well, we should expect the time to be specified, sir. I do not remember any case unless the time was specified at any time. We receive generally a written form. The usual form is, "He-and-so to be restricted to handcuffs so many hours."

14,283. Has it been so generally during your experience, or is it only quite lately that that practice has been introduced?—No, hardly, I think, printed forms.

14,284. Before that was it a written order or a verbal order that you got?—Well, only those in the capacity of a principal warder have an opportunity of seeing them.

14,285. How long have you been a principal warder?—Since last December.

14,286. Then you do not know what the previous mode was as to orders being written or verbal?—I should say written, but I cannot be positive.

14,287. (Dr. Ligon.) Did you take part in this attempt to manacle this prisoner Harris?—I superintended it, sir.

14,288. Did you take any part in it yourself?—To handle him, do you mean, sir.

14,289. Yes?—Well, no, I think not. My duty would be to superintend, and if necessary I should certainly assist.

14,290. Did you or did you not take part in it?—I have no recollection, sir.

14,291. What did you do after he struck you on the nose?—I walked away and reported it to my superior officer, sir.

14,292. That minute?—No; I remained until he was handcuffed.

14,293. When he struck you on the nose did you strike him?—No.

14,294. Had you a staff?—I had no staff. The two assistant warders had staffs.

14,295. What had you?—Nothing.

14,296. Were you entitled to wear a sword then?—No, not then.

14,297. You had no staff?—No, sir.

14,298. Are you sure that you did not return blow for blow?—I am quite sure, sir.

14,299. After he was handcuffed did he leave the cell he was in?—No, sir, the time I was there. He was left in that cell to the best of my belief during that morning, sir.

14,300. What hour of the day was it when this occurred?—I should say it was before nine in the morning.

14,301. And did he remain in that cell in which the handcuffs were put on him?—To the best of my knowledge. My duty did not lead me there during that day.

14,302. Was he locked into the identical cell in which the handcuffs were put on?—That very cell, sir.

14,303. You are quite sure of that?—I am quite sure of that, sir, for that time at all events.

14,304. How long were you there after he was handcuffed?—I was not in the ward perhaps more than five minutes.

14,305. Did you see him locked into that cell?—I did, sir. You understand, sir, that I was sent there for a particular purpose, that I was not doing duty in that particular ward. I was simply sent to see this carried out, to superintend this.

14,306. Was it your business to give directions to close the door on him as soon as he was handcuffed?—If I saw it being left open it would be neglect of duty on the part of the officer, it should not be left open.

14,307. You are sure that he was locked into that cell?—He was locked into that cell, sir.

14,308. What position was he left in in the cell when you last saw him?—He was standing.

14,309. Not lying?—Not lying.

14,310. Did he show any appearance of faintness or tendency to insensibility?—Not the slightest that I saw. When I made my appearance he made some remark to me. I believe to the best of my knowledge that I took my superior officer to the cell.

14,311. But you are quite sure that when you left the cell you saw him standing?—I am prepared to swear it if necessary.

14,312. Did you hear any of the prisoners call out, "Don't murder the man; don't murder the man"?—I did not, sir. I never heard it.

14,313. Might it occur while you were occupied?—It might, but I do not think there was sufficient noise to prevent my hearing it if it was said.

14,314. Was he not shrieking out?—No.

14,315. Did he cry out "murder"?—No.

14,316. Do you feel quite sure?—I feel quite sure. I have no recollection of it, sir, unless the man may call out to attract the attention of others, but I have no recollection of it, sir.

14,317. Do you say that he did not cry out "murder"?—I could not, sir. I have no recollection of it. The noise made by the remarks of the officers and such noises may have prevented me; there may have been remarks from other prisoners, but I never heard any of them.

14,318. Are you positive that he did not cry out "murder"?—He had no occasion to do so unless it was to attract others.

14,319. But from whatever motive?—I have no recollection, sir.

14,320. Are you quite positive that you saw him left standing up in the cell?—I am quite positive of it, sir.

The witness withdrew.

Captain HARRIS replied.

14,321. (Chairman.) Do you recollect, Captain Harris, an inquiry held into the case of a person named Steele, who died here?—No, my lord; I have no recollection of it. It was before I came.

14,322. Would there be any record of it in the prison books?—I have a record here.

14,323. Where does that come from?—This is the governor's journal. It merely records the cause of death as reported by the coroner.

14,324. Do you produce a book in which there is an entry respecting an inquiry held in the case of a prisoner named John Steele?—I do.

14,325. Will you be kind enough to read it, if you please?—I find here on the 23rd of September 1838 the following entry: "The verdict of the jury on the death of the deceased was, died from natural causes," and I find by the same book that there was only one man died about that date, that is the "20th of September 1838, J. Steele died in hospital."

14,326. What is the date of the inquiry?—The inquiry is entered here on the 23rd, and there is no other record of anyone having died, so that it must be the same man.

14,327. (Dr. Lysieu.) Is it usual to hold an inquiry on all persons who die here?—Yes; on everyone that dies in prison.

14,328. (Mr. De Vere.) Is there any record there of the witnesses who were examined?—No, there is not. Anything that may transpire at the inquiry before the coroner and his jury is taken away always.

14,329. In whose custody do the depositions remain?—In that of the coroner.

14,330. (Dr. Lysieu.) Who is the coroner of the district in which the prisoner is?—Mr. Hall of Godalming.

14,331. (Chairman.) Is he a doctor?—No; he is a solicitor.

14,332. How many inmates are there in the prison, Captain Harris?—About 50. We have received several since these men were first sent here, and have sent some away.

14,333. Where did they come from?—Fifty came from Millbank, and after that others arrived from time to time.

14,334. Are they located in a particular ward?—They are in D. ward right wing.

14,335. How many warders have charge of them?—One warder is in charge at night in the ward. With the means of procuring assistance (if necessary) from the reserve guard. When employed in the day time most of this class work in parties with the usual complement of officers.

14,336. Have you had cases of violence on their part towards the prison officers?—Yes; they have been very violent.

14,337. Have you any cases recorded of violence used by officers towards them?—No, no violence. They have had to use force in self-defence.

14,338. To use the staff?—Certainly; only on one occasion, though.

14,339. On one occasion?—As far as I remember only one occasion.

14,340. Was it injured into?—Yes, the injury is the man was not serious, the medical men examined him immediately. He received two wounds on the head.

14,341. (Mr. Broadbent.) What was the name of the man, do you remember?—The officer?

14,342. No, the inmate?—I am not quite sure whether it was Daly or Condon. I can easily find out, if you allow me to refer to the report of the case.

14,343. (Dr. Lysieu.) Was the wound of such a nature as to require stitches?—No, I think not. I saw the man next day. He said he "was quite well." I asked him if he had any complaint to make. He had a bandage on his head, but further I do not know the nature of the injuries sustained.

14,344. Do you send prisoners from here to Broadmoor?—Very seldom. The usual course is that they

go back to Millbank, and from there they are sent to Broadmoor.

14,345. You mentioned the case of Daly. Do you remember Daly being out on the head?—I do. There is only one case that I know of.

14,346. You were here I believe at the time that the attempt was made on the governor's life by the Italian?—I was.

14,347. Was there any serious conflict between the Italian and the officers of the prison?—No; in disarming the prisoner, a severe struggle took place, in which he was overpowered by two officers. It was not necessary to have recourse to blows.

14,348. If it has been stated that he was assaulted by two officers and beaten, that would not be according to your recollection?—Not at all. I was not present at the actual assault; but I remember the case well, and so far from there being any violence used, I should say he was treated in quite another way after such an attempt, the man having made use of a pointed weapon to attack the governor, the officers would have been justified in employing strong measures to prevent further mischief.

14,349. (Mr. Broadbent.) Was he known to have been a very dangerous man before?—Yes, he had often threatened violence.

14,350. (Dr. Lysieu.) Is he here still?—No, he is in Millbank.

14,351. (Mr. Broadbent.) Did you see the Italian the day after he had stabbed the governor?—I did.

14,352. Were there marks of violence about him?—I saw none. I remember a discolouration about his face, but that was accounted for by the officer having to put his hands round his neck when endeavouring to secure him.

14,353. But you did not observe marks of a severe conflict?—No, not at all. There was an abrasion, a mark on his face which had evidently been done in the fall, a bruise in fact. I am not quite sure that the skin was not torn, but I saw no signs of a violent blow or cuts. As a matter of fact I know he was not struck.

14,354. (Chairman.) You have referred, Captain Harris, to the possible necessity for using violence, and that it was within your own observation in the case of the prisoner who stabbed the governor. Are you able to say how he was armed?—Quite. The attack was made with a sharp rod of steel some six inches in length, bound round the end with tape to give a firm hold, filed to a point, afterwards sharpened apparently on a stone.

14,355. (Dr. Lysieu.) In what part of the person did he strike the governor?—He struck him on the collar bone, the elbow joint, and through the right hand.

14,356. (Chairman.) He struck him more than once?—Three times; first on the collar bone.

14,357. (Dr. Lysieu.) Did he wound him on each of the three occasions?—Each blow inflicted a wound.

14,358. (Mr. Broadbent.) I find an entry, Captain Harris, in the "prisoners' misconduct book," which does not relate to any of the prisoners embraced in our inquiry, the treason-felony convicts, stating that a certain prisoner was sentenced by the governor "to be restrained in handcuffs 72 hours, with the usual period of release, one hour after each 24 hours." Is that a practice in this prison?—Well, there are certain restrictions under which handcuffs have to be taken off. I believe you refer to that.

14,359. Yes. What I meant was, supposing a man to be sentenced to be placed in handcuffs 72 hours, would it be a rule that he should be released one hour after each 24?—I do not think it is very clearly laid down in any regulations. It has been the practice I know at times, and it has been also the practice to release them when they have their meals.

14,360. Would they be released for sleeping at night?—No. I can produce the exact rule on the subject if you wish.

14,361. (Chairman.) Will you kindly do so?—Yes.

Capt. Harris.
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(Witness retires for a short time.) I read from the instructions for the use of the various means of restraint.

14,362. (Mr. Brodick.) Was that issued in February this year?—The 21st of February this year.

14,363. (Dr. Lyons.) What would be more useful in, if you could read what was the regulation in operation at the time of this order in 1867?—There was considerable diversity of practice before then, I know, in the different prisons. It was not very clearly defined.

14,364. Do you know what the practice was in this prison then?—I know that 72 hours was the limit, and that it was customary to take them off at meals.

14,365. (Chairman.) But not at night?—Not at night, my lord.

14,366. (Dr. Lyons.) When they were taken off for one hour was that deducted from the 72 hours?—No; there was no allowance made for that.

14,367. Those three hours that the handcuffs were off counted in the 72 hours?—Yes, so far as I am aware of. I do not know what the practice here was then, but I am speaking of the Dartmoor practice when I say they were taken off for meals.

14,368. You have heard read an order for putting a certain prisoner in handcuffs. As far as your experience goes, would the one hour after each 24 hours of the period during which the handcuffs were off, and meal times, be counted to the credit of the prisoner in estimating the period of 72 hours during which he was to be handcuffed?—They would not.

14,369. Do you know that from your experience of the practice at any prison?—To the best of my recollection that was the practice carried out at Dartmoor.

14,370. (Chairman.) Do you produce, Captain Harris, an entry in one of the prison books referring to the case of a prisoner named Daly?—I do.

14,371. What is the passage?—I find in the prisoners' manuscript book on the 3rd of June this year, 1870, the following entry:—"3992, B. Daly. Principal warder Scammell states that at 1.30 p.m. yesterday the prisoner, when going to labour party, made a violent attack upon assistant warder Harris, kicking and fighting until he was overpowered." Assistant warder Harris states, "The prisoner rushed at me and struck me on the head, tore out my hair, and continued to strike at me. I was obliged to use my staff. I did not speak to the prisoner. The attack was unprovoked." The prisoner in his defence states that he does not know what made him do this—does not deny it."

14,372. (Chairman.) Is he an imbecile?—He is.

14,373. (Dr. Lyons.) Is "imbecile" the technical term under which you receive these?—It is the technical term under which a great many men are here, but many of them I should say are very delinquent cases. They are perfectly clear when they have a favour to ask. They perfectly understand their relative position, class, punishments, privileges, and things of that sort. I speak of many of them, but there are some bad ones.

14,374. (Chairman.) You learned that in that case the officer had to use his staff in self-defence?—In self-defence. The man used the greater part of his beard, he pulled it out in handfuls.

14,375. (Mr. De Vere.) I do not think you were deputy governor here in '66 and '67?—I was not.

14,376. There is a statement before us that on one occasion a prisoner applied to the governor for leave to see the director, and that the governor refused, and persisted in his refusal to allow him to see the director.

The witness withdrew.

Could such a thing as that occur according to the ordinary discipline of the prison?—I think it is extremely improbable.

14,377. Is it in the power of the governor to refuse a formal application from a prisoner to be allowed to see the director?—The governor is allowed certain discretionary power in the matter. If the complaint is altogether frivolous he might possibly refuse the application, but it is a very unusual practice.

14,378. If the application to see the governor was in consequence of the prisoner wishing to get additional clothing, if he complained of being cold in the legs, for instance, and wished to apply to the director in consequence, would it be competent to the governor to refuse that application?—He certainly might refuse it; there is a certain regulated clothing for the establishment, and the governor might possibly think that it was an unusual request for the prisoner to make.

14,379. Is it competent to the governor, in a case where a prisoner requests to see the director, to go into the question whether the subject matter of the request is a reasonable one or not? Is the governor, in that, to judge beforehand the merits of the complaint that the prisoner wishes to make to the director?—I may say, at the present moment, the men who wish to see the director do not apply at all to the governor. I hardly know what the practice might have been in '66. At present a man who wishes to see the director merely puts his name down for the purpose. It does not come before the governor at all.

14,380. As we have not the advantage of being able to examine the governor who was here at the time, I think it well to ask you whether that statement made before us may be true?—I think it may. In some prisons it is the practice to obtain the governor's permission first. He asks the man what the complaint is that he has to make, and if there is no ground for making the application to the director he does refuse it directly. But the present practice here is for a man to apply directly to see the director without going before the governor.

14,381. (Dr. Lyons.) Does the director then see him as a matter of course?—As a matter of course. That is the practice here at present. They do go sometimes to ask the governor, but it is unnecessary.

14,382. (Mr. Brodick.) Can you let us see the governor's application book for 1867?—Yes, I used just now the words "unusual violence"; of course what I meant to say was, "unusual force," for the officer in self-defence was compelled to use his arms—to use force.

14,383. (Dr. Lyons.) Is an officer permitted to strike a man heavily with his staff?—Except in self-defence certainly not. He would be very severely punished if such a case were brought home to him, and he knows that very well.

14,384. Have you known any of the officers to strike the prisoners with the staff and being brought to account for it?—No, I have never known of such a case.

14,385. (Chairman.) Have you ever been cognizant of a complaint made against a warder for resorting to unusual violence?—Yes, with his hands.

14,386. But not with the staff?—No, never. The staffs are never resorted to except in cases of personal attack.

14,387. Does every officer carry a staff?—Yes.

14,388. Even those who carry swords also?—Inside the prison they are not supposed to carry swords. As a rule they do not do so.

14,389. Does not the principal warder wear a sword?—He does as a badge of his office.

B. Dillon.

BREAN DILLON, prisoner, recalled.

14,390. (Chairman.) Dillon, the Commission have in their hands this statement of yours, with the additional matter which you had the opportunity of adding. There are certain points in it on which we wish to ask you a few questions. You will have the opportunity of calling attention really to any particular part of it that you like?—Would you let me have a copy of it, my lord?

14,391. Is it the exact copy of the paper you read in so far?—But would you let me have, for my own

guidance here, a copy of it? (*The Secretary hands the prisoner a printed copy.*)

14,392. You came here in April 1868?—Yes, my lord.

14,393. What work were you put to on your first coming here?—I was put to work in a knitting shed.

14,394. How long did that continue?—I was altogether, I believe, knitting for 18 months, except a short period in which I was working in the tailor's shop.

14,395. In the beginning of 1868 I think you were put to other work, were you not?—Yes.

14,396. Look to page 2. Was that work pulling up bricks by a rope to a scaffold?—First there was cutting and shaping bricks with a saw and hammer.

14,397. You had a certain quantity of bricks told off for you to do that?—We were expected to have bricks when they were called for.

14,398. You were then put to pulling up bricks by a rope attached to a pulley?—Yes, my lord.

14,399. During that time were you suffering from dysentery?—Frequently.

14,400. Did you mention that to the doctor?—I think I have a list of my applications here at the surgery. Here are the applications for 1868, on February the 18th.

14,401. What was the result of that application?—I find that I applied in 1868, on February the 18th, 19th, and 20th. I was admitted on February the 21st, that was for a cold. I was coughing and spitting blood at that time, and I was admitted on February the 21st. I mentioned in my statement that I had been three days attending the surgery, and that I got three doses of the opening mixture there, and that I lay on my bed in the cell, and could not get up, and could not go out. I was brought before Dr. Campbell, and he was referring me to the surgery again, but I was determined not to go to the surgery but to go back to my cell, and the officer interposed, and said, "He is only after getting out of bed now."

14,402. (*Dr. Lyons.*) Is that what you report on page 10?—Yes, I have detailed it at length there. Yes, that is it, at page 10, sir.

14,403. (*Chairman.*) Were you then admitted into hospital?—I was on that day. I did not apply at all until I was dead sick. It was my friends that induced me. From the previous treatment of the doctor I thought it was useless almost to apply at all, but as I was getting worse every day my friends induced me to go.

14,404. You were taken in then?—Yes.

14,405. How long were you then kept in hospital?—A very short time. I was taken in on the 21st of February. I was discharged on March the 2nd, quite well. I was not well.

14,406. What were you doing from when you were discharged?—My chest was still affected, the breathing was affected—rheumatis of the chest. I told the principal officer, Mr. Fry, "You see, sir, that my chest is still affected." He said he had nothing at all to do with the matter.

14,407. To whom did you say that?—To Mr. Fry; he is principal officer now; he was assistant warden then of A. ward.

14,408. Did you say that you felt quite well then?—No, I never made use of the word at all. I generally say when I feel a little better that I am getting better, which is the fact.

14,409. You state that although you had spat blood Dr. Campbell did not examine your chest with a stethoscope or otherwise?—Yes, most decidedly he did not.

14,410. Are you quite sure of that?—I am quite sure. I am upwards of three years here and he did not. I asked him then in a very decided manner to do so as he had charge of me.

14,411. On what occasion was it that you had spat blood?—On this occasion, in February. Mr. Mukahy saw it. I sent for him in the morning; I was quite alarmed.

14,412. Was that while you were in hospital?—No, before, while he was tracing me outside.

14,413. Did you spit blood while you were in hospital?—No, I did not.

14,414. Did you spit blood after you were discharged from hospital?—No. I only spat blood once or twice since that time, that was in '69, after.

14,415. (*Mr. Broadrick.*) Look to the bottom of page 8. You state there that you applied to the governor to be allowed to see the director, and that the governor declined to let you see him, and persisted in his refusal?—Yes, so he heard Dr. Campbell had already decided against me.

14,416. Can you give us the date of that, or any approximation to the date of it?—Well, it was in the beginning of the winter.

14,417. (*Dr. Lyons.*) The winter of what year?—The winter I think of '66. Yes, '66; it was the winter of '66.

14,418. Can you say whether it was in December or January, or what month it was in?—It must have been in December, I think, or January perhaps. I know they can ascertain it here, when they need the northern works. It was after they used the northern works. I was suffering from cold, and that was the reason I applied.

14,419. Had you any occasion to see the director after that?—I was determined not to see any more of them. I did not apply for many a long day to the director.

14,420. Have you never seen the director after that?—I did. I will state to you afterwards when I did see the director. I made but very few applications. I gave them no trouble at all. I was resolved not to have anything to say to them.

14,421. Can you state at what time you saw the director after that occasion?—After that occasion the first time that I saw the director was on July the 30th 1867.

14,422. Did you then mention to the director that you had been anxious to see him before, but that you had been hindered from doing so by the governor?—No, why should I say that? I did not think the governor had authority to keep me from seeing the director. When you want to see the director, when you put down your name, an officer comes to ask you what you want him for, and you can only speak to him on that subject.

14,423. Do you mean to say that when you put down your name to see the director, the question is always asked "For what do you want to see him?"—Most certainly.

14,424. By whom is it asked?—The chief officer generally. The chief officer, he has always come to me.

14,425. Have you on any other occasion been prevented from seeing the director?—No, sir; when I was prevented it was when I came here first. I knew very little about prison life then; I was quite "green," in fact. I did not press the matter. I kept away when I found it was no use. The principal officer, Shenton, was present with the governor when I made the application to him.

14,426. (*Chairman.*) Will you look to page 10, Dillon, and explain to us what it is you complain of there in the passage which begins, "When my fellow prisoner, Thomas Bourke?"—Yes.

14,427. Will you state what it is you complain of there?—I complain of being kept in my cell all day, and not being allowed to sit with them in the little room, as I have subsequently been allowed.

14,428. You were at that time in the infirmary?—Yes, I was in the infirmary, and so were they. I will just draw your attention to the way the authorities put it. The nature of the application is entered for the director, and here is the form, it is placed in the director's book for him, "Wants to sit with other treason-felony prisoners who are in separate ward." That is not the fact, they were in the same ward with me. He said I wanted to sit with other treason-felony prisoners who are in a separate ward. That would be

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a different thing altogether. The separate ward would be E. 2, and they would have to be opening three or four doors. But in this case there was nothing to prevent me from going, no more than going from that door to that, or by a corridor, as I have done since.

14,432. You stated that to the director?—Oh, yes, I did. That is the way they moved it in their books, and that was for the purpose of prejudicing of course the director, who would say of course that it would be inconvenient to be sending me from one ward to another.

14,433. You were afterwards taken out of hospital and placed in one of the separate cells in D. ward. Look to the top of page 11?—Yes, I have been placed in separate association there. I consider that a great grievance. Men who have miscondemned themselves in the hospital are sent there. Of course it was a greater hardship altogether, because I was confined to bed and could not get up.

14,434. (Mr. Brodick.) When were you removed from the hospital to the separate cell in D. ward?—I was. I mentioned it.

14,435. How long ago? Was it a fortnight or three weeks ago?—I certainly mentioned it somewhere. I think it was on the 23rd of July.

14,436. When you were removed from the hospital room into the separate cell, were you told on what ground you were removed?—No, they refused. They would give no reason. They said we should go there. We asked and said we would not leave the room until we knew what we were to be punished for, but Captain Harris came in and told them to remove us.

14,437. (Dr. Lyons.) How are you now located?—I am located in that cell 15 hours out of the 24.

14,438. You are now in separate cell?—Yes. I find the air is very bad altogether. We are locked in at night with the trapdoor locked. It is especially inconvenient for me as I cannot get at the nurse. The nurse himself is locked up. If I want anything at night how am I to get at it? There is no officer walking up and down at night, and if there was he cannot get at us for he has no key.

14,439. When we first came here you were in a room with others?—Yes.

14,440. Who were the others?—Colonel Rickard Burke and Mr. Minksky and Mr. Power were in the little cell.

14,441. (Chairman.) Then you think the last removal a hardship?—A great hardship. It is a great punishment, a most decided punishment.

14,442. Was any reason given for the removal?—No reason given at all. They said they would put us there by force.

14,443. (Dr. Lyons.) What have you to complain of, where you mention at the bottom of page 11 about shaking hands with other prisoners?—I was punished for it by being sent out of hospital, when he marks me quite well. It was only for the occurrence in the chapel I was sent out of hospital.

14,444. How do you show that?—I think I have shown it full there. I will read this explanation for you again.

14,445. Do you intend that to apply to the same date as the occasion of your being sent out of hospital?—Decidedly.

14,446. (Chairman.) You state that a few days after your discharge from hospital all the political prisoners were brought together before the governor on a charge of shaking hands?—Yes. I was brought up amongst the number, for I was out of hospital then.

14,447. But the shaking hands was after you were discharged from hospital?—No, my lord, it was the Sunday before that. I think I make it quite plain there.

14,448. Was it the fact that you attended chapel while you were in hospital?—Oh, yes, my lord; all prisoners do, except those who cannot get up out of bed at all.

14,449. (Dr. Lyons.) Is there a report against you for shaking hands?—Captain Beasley brought us all

up and said, I have a report against you for shaking hands in the hospital.

14,450. (Chairman.) In the chapel?—In the chapel, my lord, and at the very time that he was speaking to me in that way, the officer who had drawn up the statement of affairs told me he had drawn up a report, but was told by the principal officer to draw up a report of what occurred. He is now left the service. Mr. Minksky and myself could have got that officer dismissed if we liked. We suffered 28 days bread and water rather than speak about him. I knew my health would not bear punishment, and that I would feel it. I faced it.

14,451. Why do you suppose that you were sent out of hospital on account of that?—It is usual when a man does any trifling thing at all to be sent out of hospital. If it is not a reportable offence and Dr. Campbell does not wish to send it before the governor the man is discharged.

14,452. How would this come before Dr. Campbell?—I do not know. The officer was ordered to make out a statement of it.

14,453. I want to know how you connect Dr. Campbell's becoming aware of it and sending you out of hospital?—Dr. Campbell knows everything that is going on here. Nothing can happen in hospital that Dr. Campbell is not first acquainted with it. Nugent was up with the governor about the time that Dr. Campbell goes round. Nugent was principal officer then. The governor spoke to Mr. Minksky about this subject and says shaking hands in the chapel would not be tolerated any longer. Why did the governor select me out of all the rest? I was the only one that was in the hospital. He says he was told of it. Nugent says he was. "He was notified of it by the steward this morning, sir," as if the notification was that it had been decided that I was to be discharged, and before Dr. Campbell came to the hospital my clothes were on the table ready for me. Now, his clothes are never sent until after dinner. If you know anything about prison life you will see at once that it was decided beforehand that I was to be discharged.

14,454. I want to give you an opportunity of showing that. I do not understand how you connect it with Dr. Campbell's dismissing you from hospital?—Why would my clothes be sent to me before I was sent from the hospital? therefore the order at the time for my dismissal was made out before Dr. Campbell had gone on his rounds at all.

14,455. Who discharged you from hospital?—It was Dr. Campbell that discharged me from hospital.

14,456. Do you know any other occasion on which, in consequence of anything that you were reported for, you were punished by being discharged from the hospital?—No; but it is as close to any man who knows how they act in prison as anything can be. I could not be discharged from the hospital but by Dr. Campbell. Before I was discharged at all this conversation in the governor's office, and my clothes—that is evidence of my discharge—were sent to me. The steward does not communicate on any other subject.

14,457. (Chairman.) You allege now that you were discharged on that occasion from hospital by way of punishment?—Decidedly I do.

14,458. (Mr. De Vere.) How soon after that were you admitted into hospital again?—That was March the 2d. On October the 23rd, 1868.

14,459. (Dr. Lyons.) Were you not admitted sooner? I think you will find that you were re-admitted to hospital on the 6th of August?—1868, sir.

14,460. I think so?—Oh, yes, sir, yes; you are right.

14,461. Re-admitted; had an attack of diarrhoea two days ago?—Yes, that is right. That is in 1868—August 1868. But here are my attendances at the surgery for the month of May. I have attended from the 12th to the 31st of May.

14,462. Daily?—Daily; and I attended on June the 5th.

14,463. What were you labouring under then?—

Oh, debility. When I had not diarrhoea, I may say my bowels were always loose and I should go in the closet. Generally after passing I used to get palpitations frequently. I was completely debilitated.

14,461. (*Mr. De Foe*.) Had you any difficulty in getting re-admitted into hospital? In August '68, after this discharge you have been speaking about?—I always had a difficulty. I never went to him but I was very bad and really should be admitted. I always had attended several times before I was taken in.

14,462. On that occasion when you were re-admitted in August '68, how long did you remain in the hospital?—From August the 6th to the 21st.

14,463. Were you then discharged, or did you leave of your own accord?—I was discharged.

14,464. Were you discharged cured?—Dr. Campbell came in and said he could do no more for me. I was telling him that I was getting better. That was the time I was discharged.

14,465. (*Dr. Lister*.) On the 15th of August it is reported that you say you are getting on very well. There is no entry then until the 21st, when you are discharged. Did you say then that you were getting on very well?—I may say that I was getting on better. I was never very well since I came here. Here I mention on that occasion the number of times that I was at the closet one day, over 12 times.

14,466. Were you kept up at the brick work stated in page 14?—I was all the summer at the brick work, up at the prison, up to January the 6th. When I went to hospital I was at work.

14,467. Were you hurt on any occasion by a falling brick?—Well, I cannot call it hurt, you know. It stung me for a while. It left no mark after it fell on me. When the baskets were full I saw a bucket split a man's head. I was not the height of the room from the bucket, and it fell on the man and split his head. It fell quite close to me. Had it fallen on my head I would have suffered severely.

14,468. Did this conversation take place between you and Dr. Campbell which you state here?—"I shortly after saw the governor about something I was forgetful. He asked me had Dr. Campbell sent for me. I said, 'No.' He then ordered that I should be taken to him. I could scarcely stand with the nodding in my head when waiting outside the doctor's office. When about to enter the office Mr. Fry told me to remain where I was. He went in himself to Dr. Campbell, and coming out after some time told me to go in. I did. Dr. Campbell looked angry and red. He immediately said, 'I tell you, 'man, once for all, you must not be falling back on 'me when you won't eat your food. I took you into 'hospital for a change of diet, kept you there when 'there was nothing the matter with you. You are 'not sick.' I mentioned the effect of the draught 'and the state of my chest, and held out my pulse to be examined. He felt it, and then said, 'You may 'have a little cold; I will admit you for a day or 'two, mind, only for a day or two.' Did that pass?—It did, my lord.

14,469. You are quite sure?—Yes, my lord.

14,470. Are you quite sure that he had kept you in hospital when there was nothing the matter with you?—If you see the memorials of Thomas F. Burke and Denis D. Mulrany, he said something the same to them I think.

14,471. You asked Dr. Campbell next day, you say, to examine your chest?—I did.

14,472. Did he examine you with a stethoscope?—He did for the first time. He put it here for an instant and then took it off again.

14,473. Do you say that that was the first time he examined you during the three years you were here?—Yes, my lord.

14,474. (*Dr. Lister*.) You stated on page 18 something in reference to skin of beef soup and meat puddings. What special complaint have you to make with regard to the skin of beef soup?—It always disagreed with me and made me sick.

14,475. Was it bad in any way?—I considered it very bad when it made me sick.

14,476. Was it bad in taste?—I could get over its taste if it agreed with me subsequently.

14,477. Was there anything wrong with the colour of it?—I mean it was bad. If I compare it with the skin of beef soup I got at Chatham it was decidedly rotten.

14,478. What do you mean by rotten?—Decaying vegetable matter in a state of decomposition I compare with it. The soup in Pentonville appeared to be always fresh. I believe here it was never fresh.

14,479. How did you remark that it was not fresh?—That was the only way I could account for it.

14,480. Had it a bad colour?—It had frequently, sometimes worse than others.

14,481. Was the taste of it bad?—Yes, the taste was bad, but I could have got over the taste. If it agreed with me I would not mind the taste.

14,482. You mean to say that only it disagreed with you, you would not object to the taste or smell of it?—I got on as long as I could with it. What I complain of about the skin of beef soup is, that it used to give me heartburn. I used to have palpitations after it. That was my great complaint.

14,483. What has it done to you about the meat pudding?—That had the same effect on me. There was very little sent in it. It was very heavy and I could not digest it.

14,484. Was there any bad smell from it?—No, not very often.

14,485. Was it objectionable in the manner in which it was made up?—Yes, most decidedly. Not at all the same like meat Pentonville. I have been able only to contrast this with the similar article served up in Pentonville. It was most decidedly inferior.

14,486. Was the diet in Pentonville tolerably good?—Yes, it was much better than anything I have seen here, except on the occasion when Messrs. Knox and Pollock came down here. For a short time then the skin of beef soup made was suitable.

14,487. In page 16 you make a statement about Kitchener not eating skin of beef soup. Do you know that of your own knowledge?—Most decidedly. He was beside me.

14,488. You mean that he was in the cell beside yours?—Yes, in the same ward with me all day, confined close to me, a portion of the time opposite me. We were all confined one after another in D. ward in adjoining cells.

14,489. You say that you saw him constantly refuse skin of beef soup, pudding, and gruel?—Yes; he was starving on it in the winter of '66 and '67, and I contrived out of my share to give him five or six ounces of bread every night.

14,490. Out of your own bread?—Yes. The man was a big, large man, and at any time he should not be placed on the same quantity of food as they put me on.

14,491. Then he could not eat the bread you gave him, although he could not eat the pudding or the gruel?—He had a big stomach and could eat nothing. He was perfectly powerless; he is so still. I see by a letter I have received from him that he is subject to the same kind of sickness that he got while he was in prison, and that he is perfectly powerless while those fit last, he says.

14,492. What have you particularly to complain of about the draught mentioned in page 18?—The option.

14,493. What date was it?—The 26th or 27th of July. I have it marked here.

14,494. Of what year?—1869. The 27th I got the draught I think.

14,495. The 27th of July '69?—Yes; then I got the draught. I was admitted to hospital on the 28th.

14,496. You were re-admitted to hospital on the 28th of July '69 for rheumatic pains?—I did not know what they were. My chest was so affected that I could not breathe.

14,497. On what day do you say you got the

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attack?—On the evening of the 27th, I have explained it there, that I did not put down my name in the morning because I knew I would get an amount of medicine that day that would make me sick. I could eat nothing at all.

14,498. How do you know what was in the draught?—By its effect on me, and the subsequent effects opium has had on me every time I took it. It had a similar effect when Dr. Wilson gave it to me before, when I was in the cell.

14,499. Did you sleep?—No, I did not sleep at all. I have described accurately there how it affected me.

14,500. (Chairman.) When did you send the memorial to the Secretary of State, Dillon? Was it the 21st of August 1877?—Yes, my lord, I think that was the date of it. I have not got the memorial now. It was taken from me, my lord, this memorial was, but that is about the date. Yes, that is the date. Yes, I see a marginal note here, that is the date of the memorial.

14,501. Did you ever receive any answer to it?—I did, my lord.

14,502. When did you receive an answer?—I do not know the date of the answer, but I was called up one day by Captain Broadway and told, "No grounds." I have described how I was called up there.

14,503. (Mr. De Vere.) Who was the other prisoner that was with you at the time?—He was an English man. I do not know his name. I know the names of very few of the prisoners now. I would know him now if I saw him.

14,504. (Dr. Lysaght.) Did Scott say, "You are no better than any other man here"?—He did. I complain of the manner in which he wanted to visit the prisoners against me. That was the second time he did it.

14,505. Is Scott here still?—He is. He is one of Dr. Campbell's men about the hall here. He also told me after I had written the memorial, "What a look Dr. Campbell will give you in the morning."

14,506. Are you certain of that?—Most decidedly I am. I was aware of everything I put down in this statement. I would not have it entered down unless I could do it.

14,507. You state on page 20 that other prisoners obtained food which you could not get?—Yes.

14,508. How soon after that was your food changed?—Oh, that time that I got "No grounds," that very day there was an order for them to get this change of food. I was in hospital at the time, you must recollect.

14,509. You were in hospital and they were not?—Yes. I stated to the governor at the time that it was probable Dr. Campbell would be sending me down very soon, and "is it possible that I am to be left to starve on the old food, when stranger men than I am 'have got it'?" He said, "That is the reply of the Secretary of State 'No grounds.'" And Mr. Murphy was treated in the same way. I believe I was suffering from some other disease at that time in July when it was withheld. My breathing used to become terribly affected towards evening. The Reverend Mr. O'Leary said on several evenings, "Oh, how heavily you breathe."

14,510. You imply at the bottom of page 23 that your treatment has been different here since you have had an opportunity of giving evidence before this Commission. Now, can you give any instance of that?—(No answer.)

14,511. I want to know have you any instance of difference of treatment since you have given evidence here?—I have detailed here exactly how they treated me.

14,512. Have you anything to add to that?—They paid no attention to me at all, or to anything I said after that. I had a palpitation one day. I held out my wrist. I described how he turned his back to me and proceeded to take no notice of me.

14,513. You have nothing to add?—No.

14,514. (Dr. Lysaght.) You say that you suggested to Dr. Hoffman the use of the galvanic battery. For

what were you galvanized?—For want of feeling in my legs, in fact, from my legs down. He had suggested it the winter before to me when I had a severe attack of rheumatism. It had a varying effect on me since that. Some days it affects me, more days it has no effect whatever on me.

14,515. What incidents can you give in support of what you state in page 24, where you speak of the nurses, and say, "Dr. Campbell has always a ready 'ear for the stories of those ruffians, they are all 'aware of his hostility to us'?"—I refer here to a case Mr. Mulachy's can prove I think.

14,516. But what can you show yourself?—There was a similar case turned up before. This was the very same man. His name was Driscoll. He went away from this. The officer told him in fact he would do anything at all.

14,517. Was he an Irishman?—He was; a London Irishman. He was a very hot-tempered fellow.

14,518. Was Driscoll the man you refer to here?—No, that is another man. Well since that time I used to be rubbed every night with liniment on my legs. These men combined; I believe it was without the officer's talking to them that they did combine and refused to rub me at all. They wanted to force this man McCoy on me to rub me, and I would not have any more to do with the man.

14,519. Is he an Irishman?—Yes; he is come from Canada. He attempted to shoot some parties. He is a Scotch Irishman.

14,520. Are Driscoll and McCoy the parties referred to in the paragraph?—Yes; Mr. Mulachy can refer to that case more fully, for he reported the matter to the director.

14,521. (Chairman.) He reported the matter to the director?—Yes, my lord.

14,522. Was there any inquiry made?—Yes, I do not know exactly whether he reported him, but he reported how he was treated on account of it to me.

14,523. (Dr. Lysaght.) Did you complain to Dr. Campbell that these men had refused to rub you with the liniment?—No; it was after the scene described between myself and Dr. Campbell there. We were taken to the cells immediately after that. I complained to the officer, who told Dr. Campbell immediately, and I understood that this officer, who was in charge of the ward, came and began to talk to this McCoy, and told him that he need not do certain things for me. I believe the other nurses would have rubbed me but for the hospital nurse, that is the officer. There is one Mr. Dugan there, and the officer he came in the night before this occurrence. I told him that I did not wish to have any more contact with McCoy. He said, "I will get you another man," and he did, Dugan, a man that knows his duty and would have done it; but this other officer is eternally talking to this man, and I believe it was owing to him that he did not rub me.

14,524. What are the notes that you refer to as having made for Dr. Campbell?—They are printed there. It runs thus: "This evening I asked the nurse McCoy to empty the stool, as I had occasion to use it this morning, and he allowed it, as he has always done, to remain unemptied all day. He said, 'You should not have used it at all.' I then said the doctor had ordered it as I was not able to walk." He replied, "I know all about that, the doctor and the officer said you did not require to use it at all."

14,525. Is that what you refer to there?—Yes; Dr. Campbell I understand says he did not tell the officer to do any such thing, and yet he keeps him there. On a former occasion I was sent for by Dr. Campbell. Dr. Campbell said, "You have been complaining of the nurse." I said, "No; I wish it to be understood distinctly that I make no complaint of this man at all." Then, says he, "as you are not able to get up when the bell rings, this man is to bring you water to your bed." I made no complaint about this nurse at all. It is this Lover is the cause of the whole thing. This Lover bore no telling another. This Lover is an officer of the ward.

There happened to be another officer that day. As I passed in I said, "That fellow is a very disagreeable tempered man; he looked down the cock so tight that I could not turn it and wash." "Oh," said he, "I know him of old." He comes and carries this story to Dr. Campbell, and before I know where I am I am brought to Dr. Campbell. He says, "You made complaints against this man." I say, "No, sir; I do not wish to have anything to say to him." This is the way that stories are got up. Dr. Campbell persisted that I was taking exercise for five hours every day, and that I used the stool after I came up. That is most untrue, I never did.

14,526. (Chairman.) You never used the stool after you came back from exercise?—Never; my bowels became altogether changed since then. Sometimes I do not go to stool for two days, and then I have to take medicine. I am waked early in the morning, and have to get out of bed as quickly as I can get on.

14,527. (Mr. Bredrick.) Look to page 38, the second paragraph, and two or three sentences down. You speak there of Dr. Campbell ordering you a special cushion, and you say that the linings did not surprise you, and you assert that "he always did from policy that which he neglected from a sense of duty"?—Yes.

14,528. What does that mean?—I refer particularly to the phrase used afterwards by Mr. Kitcham. "He never does anything except on pressure of report." That is most true. If you report him for anything you get there what is necessary.

14,529. Do you mean to imply that owing to this Commission being sitting you thought Dr. Campbell more disposed to grant you indulgences than previously?—Yes; when he found that I was likely to report this affair of the stool as part of my treatment.

14,530. How can you reconcile that with other statements that since this Commission you have been worse treated?—That was the time we had decided not to go on at all. The Commissioners see that the others have not gone on. We asked certain conditions of the Commission to grant us, and as they were not granted the others did not go on. It was owing to Dr. Campbell's horribles treatment, and his looks at me that morning, turning on his heel and refusing to examine my pulse, that I decided on going on, and I never would have gone on but for that. He will change in one day. Going into hospital with a complaint he will be as kind a man as possible. The next day he may change. Often when my trouble was swollen I complained to him. For three or four days it was so bad that all the skin about the part was scratched away—the skin about my neck. I complained, and was going on two or three days, three days I think, before he expressed a wish at all to see it, or what was the matter with it.

14,531. Did you ask him to look at it?—I said him. I was in the act of subsisting when he turned round and says, "respiratory bandage and lotion." He says next day, "You put the bandage and lotion"?—Yes, and he turns his back on me.

14,532. (Chairman.) Did he afterwards say he would examine you?—He examined me on the third day.

14,533. Did he say, "I shall examine you in the cell to-morrow"?—Yes.

14,534. Did he examine you the next day?—He did. He put his finger to the side of the outside and asked me to cough.

14,535. (Dr. Ligon.) What complaint have you to make about the tea?—That it used to be made of water.

14,536. Do you mean that it was very weak?—Very weak and bad.

14,537. Have you ever had to complain of the cheese?—Oh, the cheese up to the time that I mention there was very bad. It was not suitable at all in fact. I used only to eat portions of it. Even the best cheese I found I could not make use of because I

would get palpitation. I generally used to eat only probably an ounce of it.

14,538. You say that the cheese which was served out previous to the visit of Messrs. Knox and Pollack was good cheese?—It was.

14,539. Was it unusually good?—Unusually good.

14,540. Did you consider it good cheese?—Yes.

14,541. Did any of the other tigrabus-felony prisoners to your knowledge think it bad?—That old man Murphy never complained of the cheese until the first day that it became good, and then he went complaining of it. You cannot ascertain what that man would do at all. The man is a perfect monomaniac. He has the same set of ideas and the same words ever since I knew him, and he will commence his foolishness on Monday morning and keep it up till Sunday night from one end of the year to the other.

14,542. What do you say of the food which is supplied to the patients in the hospital?—It is badly cooked. Dr. Hoffman attended that. He said it was through the want of a proper kitchen here.

14,543. The want of a proper kitchen for the whole establishment?—Yes. I understood in other places they have separate kitchens for the hospital.

14,544. You say that you heard Dr. Hoffman say that?—I did the day he ordered Vallons to be reported for the best tea sent to us all. We complained that day to Dr. Hoffman of it.

14,545. (Chairman.) In a subsequent passage you say, "Seasonal always gave me the filthiest and most threadbare jackets, trousers, &c." How often was clothing deteriorated?—They had no new clothing. They used to give the finest clothing and everything to a certain old class of prisoners they had here. But they had no new clothing here. Until the inquiry began it was all old clothing they served out. The worst I and my friends got.

14,546. How often did you get it, once a year?—Oh no; if you get a jacket or waistcoat it will have to be worn out before you get another. For instance these trousers I have a couple of years. I have it since 1868. It can easily be ascertained because when I got it is belted on the back of it here.

14,547. You say that you were given worse clothes than those which were given to the ordinary prisoners?—Yes, and I applied for better clothes to him and he would not give them to me, and the prisoner's name who got me that new one is Cadell. He was a kind of assistant orderly in the ward then. He is not here now. I understand he is at Dartmoor.

14,548. (Dr. Ligon.) Did you see the lining removed from this Dartmoor jacket that he had in prison?—I saw O'Keefe taken from exercise. Yes, he had the lining then; it was cut off. I saw him without the lining afterwards.

14,549. (Chairman.) When was that, do you know? twelve months after you were placed in knickerbockers?—Oh, the other men were wearing the long trousers then. That was after O'Keefe came here from Portland. It is very easy to ascertain the date. O'Keefe was first sent here and then sent to Portland, and sent back again after being there a couple of months, and he brought this jacket with him.

14,550. (Dr. Ligon.) From Dartmoor?—No. It was a Dartmoor jacket that he had in Portland. Some prisoners had come from Dartmoor to Portland, and this jacket was there.

14,551. (Chairman.) You say that Wakefield, the officer in charge of the shed, whenever you and any of your fellow-prisoners would whisper, even though it was about the work, would instantly cry out, "What's up now? what's the news of the day? anything in 'the Nation' this morning?"—Yes, he would say, "What's the news this morning?" but on one occasion he made use of the "Nation."

14,552. (Dr. Ligon.) What do you suppose he meant by saying, "Oh, my country, what whiskey I have drunk for you?"—Ridiculous, to make all the prisoners laugh at poor O'Keefe and Mr. Kitcham. They left the shed that day and went to Captain

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Bransley said and they wished to get work elsewhere on account of the remark.

14,553. What books are those that you refer to in page 35 as offensive to Roman Catholics and Irishmen?—I do not know the names of the books, but Dr. Barry I think spoke about that one. I understand he spoke to the Protestant chaplain about it.

14,554. Dr. Barry did?—Yes.

14,555. Was he the visiting priest then?—He was for a short time here.

14,556. Can you remember what the books were?—There were numerous such as I have mentioned there from time to time. Probably they are more fully stated in the statement of the prisoner I refer to there, who wrote to the board of directors on the subject. It was after his statement to the board of directors that the reading was stopped.

14,557. (Chairman.) Do you mean that while you are working in the shed anybody reads aloud?—Yes, my lord.

14,558. A prisoner reads aloud?—He might then, my lord.

14,559. Did he choose his own book, or who put the books into his hand?—They were sent from the scripture readers. I understand these may have the selection of the books.

14,560. (Dr. Lyons.) You say that on a representation being made by a prisoner called Norris the board of directors had the reading stopped?—So I understand. I mention there that Captain Bransley told him, "If this statement goes forward there will be no more reading, as the directors have stopped it already in Deatmoor; they don't consider it necessary."

14,561. Are you quite clear that a prisoner named Fairweather read an extract from Chambers' Cyclopaedia of English Literature about a priest seducing a woman whose confession he had heard, and afterwards murdering her?—What drew my attention to it was this, that in Chambers' Cyclopaedia of English Literature there are a great many things, and I thought it very curious that he would have selected this. I do not know the case so far as it is told there, but I know that it created ill feeling. There were many such books read.

14,562. But you have specified that one. I want to know if you are clear in your recollection about it?—I do not think, I would not wish to bind myself to it as a faithful description of exactly what he read, but that things to that effect were read by Fairweather frequently I am ready to swear.

14,563. (Chairman.) It was this passage that was read that was offensive to Roman Catholics and Irishmen?—Yes, my lord.

14,564. And it was selected by himself, the book having been sent for him to read?—Yes, my lord; but I must tell you that there were books there that were read but were never sent from the library; they were library books, of course. The deputy governor would come round during the day and drop in during the reading. I have seen them when the deputy governor was telegraphed coming put down this book and take up another book.

14,565. How do you know that this was reported to the governor next day?—The governor came to the shed next day, and I heard him reprimand the officer. When Fairweather came in I asked him what did the governor say to him. He said, "He asked me why" did I read such a book as that, and he ran away before I could answer him."

14,566. Who was the scripture reader that you refer to?—Mose, I think. I did not know the name of the man until lately. The prisoners used to call him "John the Baptist."

14,567. Did he say that to you?—He did. If I got Chambers' Cyclopaedia, my lord, I might show you the portion that was read.

14,568. Will you look at that passage where you state that the scripture reader told O'Keefe he could not allow him to read. "At length Mr. O'Keefe offered to read: The scripture reader said

"he could not allow him. Either I or Mr. Keefe" asked him why. He replied, "Because this is a Protestant attorney and a Protestant prison." Was that said in your hearing?—Most decidedly it was.

14,569. You are not quite sure whether it was said to you or to O'Keefe?—Well, it was said to me. I am quite positive of it. Wakeham, I recollect, came to me to keep quiet, and if I had any complaint to make to go to the governor. I beg to say that if it is necessary I can see some of the prisoners who were in the prison at the time, and I can get the name of this book from them. I never thought I would have to state any such things, but I know that some of my own fellow prisoners said that I might have taken action on the matter, but I did not care; they may read what they like.

14,570. You refer at the bottom of that page to a letter from your mother, in which she says she is sorry to see you affected by your old enemy, rheumatism, and you consider she spoke of rheumatism because in a letter which you sent to her an observation must have been made substantiating rheumatism for a word about your own health?—I had written that I had got an attack of rheumatism since I came to this prison.

14,571. You had written it?—Yes, I am most positive on that.

14,572. What reason had you for believing that the letter was altered going out?—Why, she could not be so stupid as to say I had an attack of rheumatism. The other portions referring to what I did mention were all expurgated.

14,573. Had you mentioned dysentery and exhaustion?—Yes. I think I had mentioned pleurisy, as well as I remember, and thought that the attack of February '68 was an attack of pleurisy, as well as I now recollect.

14,574. You wrote a letter which was suppressed in the course of the year '68, I think?—I did, my lord.

14,575. Were you informed of that?—No, my lord; on the contrary I was told. Here are Captain Bransley's directions here. I applied to him about the letter.

14,576. It now appears to have been "suppressed by director, the prisoner not to be informed"?—Yes, I was not told of it.

14,577. Was it a letter written by you or to you?—It was written from my mother to me, my lord.

14,578. From your mother to you?—Yes, my lord. It was immediately after the liberation of the prisoners.

14,579. (Mr. Broadrick.) Were you informed on that occasion on what ground the letter was suppressed?—No, not on that day, sir; I was not informed about the letter at all on that occasion, I was told to come to-morrow.

14,580. (Dr. Lyons.) From what do you take the extract on page 37: "Was suppressed, that is the answer by director, the prisoner not to be informed"?—Oh, that is a mistake. "By director" should be "by governor."

14,581. Listen to this. From what paper is the passage taken that I now read to you from page 37 of your own statement. "Was suppressed (that is the answer) by director, the prisoner not to be informed"?—It was taken from this (the prisoner exhibits a paper).

14,582. What is that?—"Copies of applications made to the governor of this prison, with dates, and the replies thereto."

14,583. Furnished to you for the purpose of using at this Commission?—Yes.

14,584. How soon did you learn that that letter was suppressed?—That was on April the 12th. He mentioned here that I have referred. There are not correct replies at all. This is altogether incorrect. On the last occasion that I went to the governor he told me that a letter had arrived, but that he forwarded it to the director.

14,585. (Mr. Broadrick.) That it had been forwarded?—Yes. It was not until I got my mother's letter, which I was allowed to get on the 1st of May, that I

learned that one had been previously expressed. The first one had been suppressed. Haven't I detailed it here?

14,595. (*Dr. Lysieu.*) How long had you been before that without hearing from your mother?—I was writing them every three or four months, I suppose it was about five months.

14,597. Can you state positively how long the period was?—I wrote the letter, I think, to which that was the answer, I think some time in March, and the answer to it I got in May.

14,598. Between the letter that you received in May from your mother, and the last letter before that that you got from her, what interval elapsed?—I do not know exactly now, but as I was allowed to write only every three months it must have been three months previously.

14,599. (*Mr. Brodick.*) I understood you to state that you were not aware that your mother's first two letters had been suppressed until you got her third letter; but I find that in your statement here you allege that the governor said you that two letters for you had been received, but as they contained political news he sent them to the directors?—No; I never heard of one of them until my mother's letter came.

14,600. Then you must have been mistaken in this statement?—Where is it, if you please?

14,601. It is on page 37, more than half-way down. You say that supposing the truth was being concealed from you, from the oppressed nature of one of the replies returned by the clerks and read for you by the governor, you applied to the governor again in a few days for further information?—Yes, I do not see it here. It was not an answer to an application made by me, the governor himself admitted it.

14,602. But you state here that you were then told by the governor that two letters for you had been received since you were last before him, but that as they contained political news he sent them to the directors, and that one of them was sent back, and the other was then awaiting the decision of the directors?—Oh, yes, yes, that is perfectly correct. What I am puzzled on is that he never mentioned the first letter of all. That is right. The first letter is what he never mentioned to me. When I came back to him the last time and applied to the governor, he said two letters most decidedly, that they were both sent to the directors.

14,603. At that time your mother had only written two letters to you?—She had written three, sir, at that time, as well as I recollect now. This portion of the statement I had not time to write correctly. You sent me down this, do you recollect, three or four days after you sent Roscoe's, sir, and I was not able to attend to it all day. When I got to my cell between the time of taking my supper, the moment the sun is done rubbing me my bell rings.

14,604. You are clear on this point?—I am perfectly clear on the point that two letters had come before I was informed of it, and that Captain Bannely himself mentioned that one had come and been referred to the directors. But what I complain of altogether is the first letter, that when I went to him that he knew he had received a letter previously, that that letter was written on the 31 of April, and he made no mention of it then or at any time afterwards until I received my mother's letter of the 1st of May.

14,605. (*Chairman.*) The examination is concluded?—Well, I put in to the Commissioners some time ago,

The witness withdrew.

The Commission adjourned.

my lord, an application to be examined by the medical gentlemen of the Commission. I wish to know if the requisition will be conceded to.

14,606. That is under consideration, and if any steps are taken on it you will be informed to-morrow?—I wish to ask you, my lord, will I have the privilege of seeing you again. I may refresh my memory.

14,607. No. The examination is concluded now. We have before us now your printed statement, followed up by examination into the details, and I do not think we shall probably see you again?—There were some matters, my lord, here that I have notes of that I wished you to hear. I wish to tender this also under the authority of Mr. Kirkham, a letter as evidence. I have a letter here of Mr. Kirkham's.

14,608. To what point does it go? Does it relate to the general treatment of prisoners? We will take anything from your own knowledge, but we cannot take that, it is not evidence?—Under your notice I submit, my lord, it is evidence. There was a notice published to the public.

14,609. (*Mr. Brodick.*) What do you say you wish to put in?—It will explain itself better by my reading it.

14,610. You had better tell us first by whom and to whom it is written?—By Charles J. Kirkham to me.

14,611. How long ago?—July the 7th of this year. I was allowed to write to him. It is a private communication.

14,612. (*Chairman.*) I do not think we can receive the letter. We said we would examine witnesses. You may read it, but we cannot promise to receive it?—Mr. Butt called the attention of the Commissioners to a pamphlet entitled "Things not generally known" concerning the treatment of the Irish political prisoners. You should be allowed to see this pamphlet. The greater part of it has been published in the "Irishman" before my release, and when completed it was sent to me by the publisher, who asked that I would say whether the statements contained in reference to myself were true. I read these statements carefully and found they were strictly true. Now, if the Commissioners really wish to elicit the truth, heaven knows they have enough of relevant evidence in this pamphlet. I can tell them, if they want to know, that the details of my treatment, as given in it, are accurate in every respect.

14,613. Well, I can tell you, Dillon, that we have had that publication in our hands and have gone carefully through it, and asked such questions as we thought necessary?—Well, then, my lord, I only ask you to take such part of it as refers to Mr. Kirkham.

14,614. No. Mr. Kirkham's case is not within our inquiry. We are confined to the treatment of prisoners at present in prison?—Under that notice you published, doesn't it come?

14,615. If he can give evidence as regards the Fenians in prison, not as regards his own case. The examination is closed, Dillon, so you can withdraw?—Well, the evidence I call in support of that statement of mine have you taken?

14,616. What witness do you wish to call?—Mr. Mulesky, William F. Roscoe, the Rev. Mr. O'Leary, Edward Power.

14,617. If we think it material we will do so. We cannot express any opinion now.

S. DALLAS.

10 Aug. 1870.

Woking Prison, Saturday, 13th August 1870.

PRESENT:

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. GEORGE C. BROUGHTON.
SHERIFF E. DE VRIES, Esq.MR. LYONS.
MR. GURCKNOW.

W. SPENCER OLLIVANT, Esq., Secretary.

Dr. CAMPBELL recalled.

Dr. Campbell.

13 Aug. 1870.

14,608. (Chairman.) Dr. Campbell, is there anything in your former evidence that you wish to correct?—Yes, my lord.

14,609. Will you state it in detail?—I wish to state that I was wrong in what I said in relation to there being two baths at the time of the man alluded to. It is nearly three years ago. I got so accustomed to the two baths that I quite forgot there was formerly a washing trough and a basin; the washing trough at one end of the bench and the basin at the other, with a bath in the centre. It was changed some time ago. The trough and basin were removed, and an extra bath was put in place of them. I have got from the engineer a sketch showing the state of the place at that time.

14,610. Do you lend in a sketch showing the arrangement for washing and bathing purposes in that room which was described by Roanree as a scullery, at the time he occupied it?—Yes, my lord. I think it right to add that it was the only place we had to enable us to separate those men whom they came here first, my lord. We were put to great inconvenience by putting those men there in order to separate them from the rest of the prisoners.

14,611. At the time that those men were first brought here were they placed separately?—Separately, my lord, into that scullery as being the only place which was available for separation at the time.

14,612. How many were placed there?—Three.

14,613. Were those three the first who came here?—Those three were the first who came here.

14,614. Do you remember from there where they were placed?—In the small room where you saw them.

14,615. At the end of one of the wards?—At the end of one of the wards. I find a letter I wrote recommending that the room should be given up to the hospital.

14,616. For the infirmity patients?—For the infirmity patients.

14,617. There were others at the same time in the general prison?—Yes.

14,618. (Dr. Lyons.) This sketch shows the washing-trough with a waste-pipe at one end, and a step-bath at the other end?—Yes.

14,619. Where was the position of the bed occupied by Roanree?—Between the washing trough and the fireplace.

14,620. Was he correct in saying that the head of his bed was near that waste-pipe or washing-trough?—Well, it was not far from it. It must have been within a few feet.

14,621. Was there in a corresponding space at the opposite side a bed likewise?—Yes; as near as I can recollect we had one bed on one side and two on the other.

14,622. At which side was Lynch's bed placed?—On the opposite side from Roanree, I think.

14,623. Was it placed near the step-bath?—The two beds were here. This is a mistake. He put the range at the wrong side.

14,624. Where was Lynch's bed?—As nearly as I can recollect at this side. It is not easy to keep those things in memory; but as nearly as I can recollect we had two beds on one side and one on the other. But I think it also right to mention that this was a sick, and in hospital we have got every convenience for emptying dogs. There are two closets in each ward, and a closet in the corridor.

14,625. (Chairman.) Doctor Campbell, would you just refer to any documents that you have relating to the prisoner Roanree. He states that on the 17th of March 1868, in consequence of the accession of an ailment under which he was suffering, namely, piles, which had been bleeding previously, he told the governor what he had suffered in consequence of having to use the water-closet when at work, and requested he would place him in some dressing party or even in the knitting shed until the weather got warm; that the governor refused to do so, and that in the extracts from the governor's book, which have been furnished to him there is one showing that the governor had written in the book in answer to his application, "referred to the medical officer." Under this is written, with Dr. Campbell's initials attached, "I consider this man fit for work outside or in the prison;" under which is written, with the governor's initials attached, "I shall not relieve you." Do you recollect the reference from the governor on the subject at that date?—No, my lord.

14,626. Have you any entry there on the 17th of March 1868?—I have got Roanree's papers here. He was not in hospital at that time, my lord. I have no record on that date.

14,627. Dr. Campbell, will you look at the "governor's application, report book," and see in there any entry therein on the 17th of March 1868, or thereabout, in reference to the prisoner Roanree, and if so, will you read it?—Yes, my lord. I report that I consider this man fit for work outside or in the prison. He wishes to come inside.

14,628. (Mr. Broadbent.) What is the note made on that?—Returned to the medical officer.

14,629. (Chairman.) Is there anything else?—I state to the governor, "This man is fit for work outside or in the prison."

14,630. What is the governor's note on that?—The governor adds, "I shall not remit you."

14,631. Are you able to tell us how recently before you gave that opinion you had seen the man?—No, my lord, I cannot. I have no means of saying.

14,632. (Dr. Lyons.) Did you make any examination of him any short time before you gave that opinion?—I am not aware. In all probability I saw the man at the time, but I have no recollection of it.

14,633. (Chairman.) Or direct recollection of it?—I saw the man constantly.

14,634. Is it your belief that in giving that opinion you had the man's case presented to your mind?—Yes, my lord.

14,635. (Dr. Greenless.) Do you think that you examined him specially in reference to the application?—I cannot say.

14,636. Would it be your custom to do so when a man's case is referred to you in that way?—If I have any doubt as to a man's case I invariably do it.

14,637. (Mr. Broadbent.) Can you recollect whether in the early part of 1868 you did, as a matter of fact, consider Roanree in good health and fit for work in or out of the prison?—The man has very good health from the time of being here—good bodily health. The only complaint he labours under is hæmorrhoids. That is the only disease, and this eruption of the skin.

14,638. Except where the piles were troublesome did you consider him fit for work?—I did.

14,639. Therefore you may have stated as much on that occasion?—Yes, he not having complained to me for some time.

14,840. (*Dr. Lyons.*) I find, Dr. Campbell, that on the 30th of March 1868, you record Rountree as "still passing blood;" and that he was to "continue cold fumigations." That was shortly after this time when you reported him as fit for work inside or out?—He is then under medical treatment.

14,841. Was he admitted into hospital on the 26th of March 1868?—On the 26th of March 1868 he was admitted into hospital. He then complained of pain in the knees and piles. "No protrusion," is the remark I make.

14,842. That is just nine days after this period?—Yes.

14,843. You reported here on the 27th of March that a "small quantity of blood was passed, such as is usual in cases of piles;" and on the 28th you report that blood was passed, "Medicines tinged with blood;" and on the 30th, "Still passing a little blood" is recorded?—Yes. Well, it was never to any extent. There was nothing unusual in the blood; he used to show a very slight discharge.

14,844. Having hemorrhoids, do you think he was fit for outdoor work here?—He is perfectly fit for the work he used to assist in. He was never called on to perform any hard work. He was employed for some time about the yards, but he was never put to perform any hard work, and I thought it was more likely to be beneficial to him than voluntary cooperation.

14,845. (*Chairman.*) Can you tell us what the work was to which he was then put?—Just sweeping about, and doing light work of that kind.

14,846. He says here that he was at that time put to cut beds along with two fellow-prisoners, which involves sleeping over a low bench. Do you think that was the case?—I am not aware.

14,847. You do not know that it was so?—No.

14,848. (*Mr. De Vere.*) Should you consider that sort of work advisable for him if he was suffering from piles?—Well, I should not think it would injure him.

14,849. (*Dr. Lyons.*) I find that he was kept in hospital until the 30th of April, and that on the 27th of April it is recorded "the blood at stool still continues but to a slight extent and spotted about the edge of the commode stool," and he was discharged on the 30th. On the 27th of November he was readmitted for hemorrhoids, chiefly internal; he appears to have been kept in hospital for a considerable time then?—Yes; this man has been kept in hospital, but there has been no occasion for it. As I have mentioned before, the man is one of the most robust men we have in this place, but he has made every possible objection to leave the hospital.

14,850. (*Chairman.*) To leave it?—To leave the hospital, my lord; and he asked on one occasion to see the director, and told him that I was about to discharge him from the hospital. At the present time I do not think the man has any business in hospital.

14,851. (*Dr. Lyons.*) He seemed to us yesterday that at the present time he is passing blood?—He complained to me yesterday of his piles, but did not do so for a very long time before. He liked some more of the same electricity, and stated that his piles were getting troublesome; but I have no recollection of his alluding to the piles for a very considerable time, otherwise I would visit him twice a day. His general remark to me is "the same," or some remark of that kind; and very often at the usual visiting hour I found him out of exercise.

14,852. (*Mr. Bradbick.*) In the extracts furnished to me from the "Governor's application book" I find an entry under date September the 7th that Rountree applied to the governor stating that it was necessary to apply cold water after relieving nature, and therefore that he could not use his chamber. The Governor's note on that is, "Dr. Campbell, is this so?" apparently meaning that this question was put to you,—"Dr. Campbell is this so, and cannot it be managed" in his cell? Your reply seems to have been, "This man suffers from piles, but the bucket of cold

"water in his cell appears to be sufficient." That remark is accompanied by your initials. The governor's note thereon is "No; on no account to use" "his bucket; let him have a second vessel and water" "in it." What explanation do you offer of that entry?—I do not recollect the entry.

14,853. Do you recollect the incident?—No; I do not recollect it at the present time; but the man has never had any difficulty in getting water. He said on one occasion that he had to use his own urine to bathe himself, which appears to me a very strange thing, for he can have no difficulty in getting water of any kind; and Mr. Humphries, the officer in charge of the cell, mentioned that he used to go to the spring for that purpose, as he preferred it to the bucket of water from the Artesian well.

14,854. (*Dr. Greenhow.*) For what purpose is the bucket of water in his cell?—For cleansing purposes.

14,855. Not for drinking?—No.

14,856. The prisoners are supplied with drinking water in their cells?—Yes.

14,857. (*Mr. De Vere.*) Would it not be desirable that he should have a second vessel for holding water, when he wanted to use it for the purpose described?—If he had asked me for a vessel I would have supplied it at once. I have not the slightest recollection of the man asking for the vessel.

14,858. Did the answer Mr. Bradbick read to you refer not only to his having enough of water, but to the fact that the bucket he had was sufficient?—He had, in addition to the bucket, a tin urinal, which he might have used for the purpose.

14,859. (*Dr. Greenhow.*) Have you recommended him to use cold water for the piles?—Well, I cannot answer the question off-hand, but most likely I did. For a considerable time past I have been allowing him poppy fumigation, because he preferred it. I have a certificate here by Dr. Wilson, assistant-surgeon, who was called on to certify to that man's case during my absence last year.

14,860. (*Chairman.*) Dr. Campbell, you were absent a certain period last year, I believe. Do you hand to us a certificate from the medical officer who was then in charge, in reference to Rountree's case?—Yes, my lord.

14,861. Will you be kind enough to read it, if you please?—On the 26th of May 1868. Prisoner, W. F. Rountree: This is to certify that the prisoner W. F. Rountree was received from Portland prison on February the 8th, 1867, for hemorrhoids, his general health being otherwise good. He was admitted to hospital on reception, and remained under treatment for some time. He also suffered from apoplexy, a form of skin disease; but of this he has been cured. He was last admitted to hospital on February the 28th, 1868, for hemorrhoids, and at present remains under treatment. With the exception of this ailment, which is comparatively slight and not at all uncommon, this prisoner is a picture of good health and has gained a stone in weight since reception. Signed by George Wilson, assistant-surgeon.

14,862. Dr. Wilson is not here now?—He is now medical officer at Portsmouth.

14,863. (*Dr. Lyons.*) What date does he give for the admission into hospital?—The 28th of February 1868, I think. The figures are not very plain.

14,864. As far as I can see from the medical history, that does not appear to be correct?—It may be a mistake in the copy.

14,865. (*Chairman.*) You had better look to the original, please?—Yes; here it is, February the 28th, 1868. He had been discharged, I expect, and readmitted.

14,866. (*Dr. Lyons.*) Can you ascertain positively whether he was in hospital before the 9th of February?—I have got it down here, "9th of February complained of being unable to get out of bed from illness," so he must have been discharged before that. I have got a note here on the 18th: "Examined the man along with Dr. Wilson, and found him free from

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"prolapsed, or any sign of blood about the eyes."
"He looks in robust health, and weighs five pounds more than on receipt. I therefore discharged him from the sick list, but told him he might continue fastening. He decimated to be discharged, as he did a month ago, but there was nothing to justify me in keeping him longer on the sick list." Then the next is the 9th of February, when he complained of being unable to leave his bed.

14,687. (Mr. De Vere.) Is it not possible, Dr. Campbell, that a person with a tendency towards hæmorrhagic piles might go to work in the morning, apparently well, and be seized with an attack of bleeding piles in the course of the day?—Well, it is possible; but he had an opportunity of seeing the medical officer at once. This establishment is never left without a medical officer. The prisoner has an opportunity of seeing the assistant-surgeon or myself at any time of the day or night.

14,688. (Dr. Lyons.) Was there any attempt at the radical cure of the piles, or were they in a state to admit of it since his admission?—No; I have not used any operation. There were stringent injections, and a great variety of remedies applied.

14,689. (Chairman.) Do you know an inmate of the name of Daly?—Yes, my lord.

14,690. Do you recollect on any occasion his coming to you with wounds in his head?—No, my lord; but I visited him. It was reported that he had met with a wound in his head. I went myself to the cell, and visited him.

14,691. Was the report that he had met with a wound in his head?—That he had been injured.

14,692. What did you find when you got there?—I found him with three scalp wounds, and I dressed them.

14,693. Were they wounds of a serious character?—No; I did not consider them serious, my lord.

14,694. Were they wounds which had been inflicted apparently by a blunt piece of wood?—Yes.

14,695. By a staff?—Yes, by a staff.

14,696. Did he say anything to you about them?—No; he said nothing to me about them. He was rather not inclined to speak; but he was quiet at the time I saw him and dressed the wounds, and he gave no trouble.

14,697. Is there any statement in your medical books about him?—No, my lord. The officer came to my room.

14,698. Who, was that?—Mr. Horne, I think. I have an entry in my journal.

14,699. What is that book which you produce?—It is my journal, my lord.

14,700. Do you find in it any entry about Daly about the time that you dressed his wounds?—Yes. On the 2d of October assistant-warden Horne reported to me about 1.30 that he had been assaulted by one of the inmates. He had a quantity of hair in his hand, which he stated had been torn from his left whisker, and was bleeding from a small wound over the right eye. As the prisoner, M. 3,892, Bernard Daly, was at the same time reported to have met with an injury, I at once went to the separate cells, and found that he had met with three wounds of the scalp, one about two inches in extent on the crown, another over the occiput, and the third above the left temple, about an inch in extent. He had also a bruise on the right arm, but slight. Dressed the wounds. Visited him at four, and again in the evening.

14,701. (Mr. De Vere.) Would you conclude from the wounds that they were inflicted by three separate blows of a blunt instrument, or could they have been the result of one blow?—I should think separate blows.

14,702. Three separate blows?—Yes.

14,703. (Dr. Lyons.) Do you mean by these separate blows?—I could not say. The wounds were distinct in different parts of the head.

14,704. Were they deep wounds?—Shallow; I did not look on them as serious wounds. Of course all wounds of the head are serious.

14,686. Were they gaping wounds?—One was about an inch in extent and was gaping a little.

14,687. Had you to employ suture with any of them?—With one.

14,688. A wire suture?—A wire suture.

14,689. A silver suture?—A silver suture.

14,690. Did the wound heal kindly?—It healed kindly.

14,691. There was no trace of erysipelas?—No had symptom at all.

14,692. How long were the wires in?—The wire was in for some time.

14,693. Do you remember how long the wire was in?—I cannot state.

14,694. Have you often met other instances in which you have heard that incised wounds of the head and elsewhere, inflicted under similar circumstances, were given by the warden?—No; very, very seldom. I cannot at the present time recollect another instance. It was quite unusual.

14,695. Are you responsible for the custody of those inmates? Are they supposed to be under your special care? Are they in the infirmary precincts of the prison?—Not in the infirmary.

14,696. It is only when they are in the infirmary that you are specially responsible for their care?—Yes; if I find them excited I admit them into the infirmary for observation.

14,697. Do you remember any other instance of recent occurrence in which wounds on the head or other parts of the body had to be attended to by you or the assistant surgeon, when inflicted in the prison by the officers' staffs?—No; I cannot recollect a case; but such cases have occurred; but I cannot recall any to my recollection. They are very rare.

14,698. They are rare?—Very rare; so rare that I cannot recall one to my recollection.

14,699. Was this man inexcusable when you saw him?—No, sir; he was in a refractory cell.

14,700. Was he inexcusable when you saw him?—Not at all. He seemed to treat it lightly.

14,701. Did you say anything to him that he was not inclined to speak?—Yes; he did not say much to me.

14,702. You do not mean to imply such a state of inexcusability as may be caused by a blow?—No; he looked a little faint, as far as I recollect; but he was not at all inexcusable.

14,703. Did he lose much blood from the wounds in the scalp?—Not a great deal.

14,704. (Mr. Broadbent.) Is there anything that you would yourself wish to add with reference to Roscoe's health?—Nothing further. He is a robust man. With the exception of the piles there is nothing the matter with him of any consequence. The man is in robust health and fit for work. If I am to give an opinion, I would be that he is able to leave the hospital at the present time.

14,705. (Mr. De Vere.) Do you know any other case of a man labouring under piles employed at the ordinary work of the prison?—I should think a good many of them.

14,706. Is there any other case within your own observation?—I cannot recall them at this moment.

14,707. Taking into account the answer you gave some time ago, that an attack of bleeding piles is liable to come on when at work, is not that a reason for keeping a man suffering with piles under hospital treatment?—Not constantly, sir. It might come on from any exertion at work; but if it did occur when he was at work he could apply for medical assistance, and would at once be admitted to hospital if it was considered necessary.

14,708. Do you know the nature of that work which has been spoken of—that cutting of bricks?—Yes; I have seen the prisoners employed at it.

14,709. Is it hard work?—It does not appear to be hard work. We have got a number of inmates employed at that work. I was not aware until it was mentioned now that Roscoe had been employed at that work.

14,710. You have spoken of the possibility of an

attack of piles being brought on by over exertion? Could it be by the prison work?—No; there is not any violent exertion required.

14,710. (*Dr. Greenhow*.) I understood you to say that you thought exertion brought on a fit of piles?—I merely said that any violent exertion might possibly do it if a man was predisposed. Perhaps if a man was constipated at the time or predisposed to the attack any violent exertion might hasten it.

14,711. Would you in that case set down the piles to the constipation or the exertion?—Well, both together; but do not doubt the constipation was the exciting cause.

14,712. (*Mr. De Vere*.) And the exertion the producing cause?—Developing it; but I am not aware that men have ever been employed in any work calling for any violent exertion.

14,713. (*Chairman*.) Nothing relating to straining?—No, my lord; that was what I meant—that any violent straining might produce it.

14,714. (*Dr. Greenhow*.) Do you think that work out of doors, independently of lifting weights or of anything to cause violent straining would be likely to bring on a fit of piles?—No; I think the work he is put on is most likely to ward off an attack of piles.

14,715. (*Dr. Lyons*.) Have you any recollection of a prisoner named William Harris about the 1st of May 1869?—Yes; I recollect the man Harris perfectly well, because he was a very bad character.

14,716. Have you any recollection of being called to see him somewhere about the 1st of May 1869?—No; I do not recollect. I have an entry in my journal that I was called to see him.

14,717. Would you kindly look to your journal about the 1st of May 1869?—I find no entry there.

14,718. Can you remember whether or not you were sent for to see William Harris on or about the 1st of May 1869, in consequence of or subsequent to a scuffle with three warders who were sent to put handcuffs on him?—No; I have no recollection.

14,719. Have you no recollection of it at all?—No, sir.

14,720. Could he have received any injury in that struggle and you not be sent for?—If he had met with any serious injury I must have been made acquainted with it. I see no entry.

14,721. (*Chairman*.) Were you here in May 1869?—Yes, my lord. The only entry I find in May 1869 relates to Rosentre, when he complained of his door being shut in the middle of the day.

14,722. (*Dr. Lyons*.) Rosentre?—Yes. I do not think the man could have met with any serious injury without its being reported to me.

14,723. Rosentre stated to us "Dr. Campbell came in about half an hour after. I cannot say what he said or did, but I know that the gashes in the man's head were not dressed until the second or third day after the occurrence?"—I have no entry at all.

14,724. Have you any recollection of being called to see William Harris?—It is quite possible, but I have no recollection of it.

14,725. Was the assistant-surgeon called to see him?—I do not think the assistant-surgeon could have been called either without its coming to my knowledge.

14,726. You were on duty at that time?—Oh yes.

14,727. Would you undertake to say that it was an incorrect statement that you were called, that you came to see him in half an hour after the alleged maltreatment, and whether there were or were not gashes on his head?—I won't say; but I have no recollection at all of it.

14,728. Would your recollection of the day enable you to say whether such a thing occurred at all or not? Perhaps if I put this paper in your hand and that you read over the passage I point out to you, you may understand it better?—(*Witness peruses a part of Rosentre's printed statement.*) I see it all quoted there, but I cannot confirm it in any way.

14,729. Can your recollection enable you in any way to say that no such thing occurred?—No; I have no recollection of it. I cannot say anything about it. I know that the man was a very treacherous character.

If he had met with gashes on the head I think it must have come to my knowledge and have been entered here. Oh, I beg your pardon; here it is, not on the second, but the first: "Visited the punishment cells "and A. ward; found 3,595 Harris with a contused "wound of forehead; ordered dressing to it." That was the 1st of May. You mentioned the 2nd of May I think; but there is nothing there about gashes.

14,730. Do you remember anything now about the wound?—No; I cannot recollect it.

14,731. Do you remember what the character of the wound was?—No; it must have been a very slight affair.

14,732. Or what the dressing was?—No; I merely ordered dressing.

14,733. What would that imply in the practice of this institution?—A contused wound; most likely some water dressing.

14,734. Some lint and water?—Yes; the entry that find here is "with a contused wound of the forehead," not a gash, but "a contused wound of the forehead."

14,735. (*Chairman*.) Did I think arrived at Working about the middle of April 1866, on you tell me how soon afterwards you saw him?—I saw him the following day, my lord, but he was received by the assistant-surgeon. This is the entry in the journal:—"Number 3538. Bryan Dillon was received on the 11th of April 1866, from Pontonville. He is stated to be 35 years of age, to be a clerk and a politician. His crime is stated to be treason and felony; his sentence 10 years; place of birth, Cork; length of time in prison before admission four months; previous health stated to be indifferent; weight on admission, 7 stone 9 pounds; height 4 feet 11½ inches; is stated to have had rheumatism and occasional cough; nervous disease; stated to be dislocated arm and injured spine; he has been of sickly aspect and physical condition; looks feeble; general health indifferent; morbid conditions present; curvature of spine, and debility. Fit for light labour."

14,736. That is entered by Dr. Wilson?—It is entered by Dr. Wilson.

14,737. Is there any entry there of the stethoscope having been applied to his chest, or his being examined as regards lung disease?—No; there is no entry.

14,738. Then you are unable to say whether this is correct or not?—I was medically examined for the first time by Dr. Wilson, who applied the stethoscope to my chest. He told me my left lung was not quite clear. He said, "I suppose you can do a little work." Whether that happened or not you do not know?—It took place I suppose, at the time of his reception here when Dr. Wilson examined him.

14,739. Perhaps the more convenient way would be to hear from you a statement of all that you know about him. Previously to that I will read what he has said about you here. "Dr. Campbell has never properly or sufficiently examined me himself. He never did so at all for upwards of three years, and then only of my own request after he had told me there was nothing the matter with me. He has allowed Dr. Hoffman to see my prescription sheet, and has prevented him examining me. He allows Dr. Hoffman to carefully and minutely examine the ordinary prisoners." It may save time to ask you when you first examined him, and what your impression of him was?—He was first admitted on the 6th of May 1866, my lord.

14,740. What is the entry then?—Merely a simple case of catarrh. He was attended to. He got saline mixture and compound tincture of camphor.

14,741. (*Dr. Lyons*.) On the 6th of May, catarrh?—The 26th of May.

14,742. How long did he remain?—He was discharged on the 17th of June, my lord.

14,743. Did he after that time make any application for readmission?—He has been in very often. He has been in altogether, I suppose, upwards of six or seven hundred days in hospital.

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14,744. Is there any application for readmission shortly after that time?—He was admitted again on the 31st of July, and discharged on the 7th of August.

14,745. On what grounds was the re-admission?—For diarrhoea, my lord.

14,746. That was in August 1866?—1866. Yes; then he was readmitted on the 21st of February, 1868.

14,747. 1868?—Yes; there is a long interval.

14,748. A year and a half?—At 9 in the morning he was discharged on the 2d of March, stating that he felt quite well. He was readmitted again on the 6th of August 1868, by Dr. Wilson. It is stated that he had an attack of diarrhoea two days, accompanied by sickness. He was discharged on the 21st. He was again admitted on the 23rd of October, 1868, for inflamed head, debility, and a little irritation about the head, and was discharged on the 18th of November. He was admitted again on the 6th of January 1869, for debility, with rheumatic pains and pain across the loins. He was allowed good diet, as usual, and tonic. There was no complaint for some time, and he was discharged on the 5th of July.

14,749. When was it that he met with the accident?—Late, my lord.

14,750. (Dr. Greenham.) In your very first note you refer to injury of the spine. Does not that refer to some accident before he came under your supervision?—Yes.

14,751. You have no note of that injury?—No.

14,752. You do not know when or where it occurred?—No, sir.

14,753. You do not know whether it occurred before he was a prisoner or not?—I have reason to believe that the man had curvature of spine for many years, and that it was congenital.

14,754. (Dr. Lyons.) Has he not the appearance of a man with congenital deformity?—Yes; he has that appearance.

14,755. (Dr. Greenham.) With regard to the curvature of the spine, has it increased since he came here?—No; I do not think it is changed. There is very little change in his appearance. If any at all he is a little improved.

14,756. Has he got shorter?—I have not measured him, sir.

14,757. I think it would be satisfactory to have his height taken to-day, in order that we may know his height now as compared with what it was when he was admitted?—Yes.

14,758. When he complained of those pains did you think there was any increased irritation of the spine?—No.

14,759. Did you refer the pains to rheumatism?—The rheumatism which he has been liable to occurred, according to his own account, before he came here. He was admitted again on the 28th of July for rheumatic pains in the front of the chest and back; but three days after, when I visited, I found him at chapel. He has been a great part of his time in hospital and is very liable to be affected, simply because he is a man of weak constitution and very much deformed.

14,760. (Chatterton.) Is he less able to walk now than when first you saw him?—Yes, but that arises from the accident he met with.

14,761. You have given the period of admission. Will you tell us when you first examined him, and what judgment you formed, and what you did in consequence?—I have got the date the 28th of July 1869 admitted again for rheumatic pains. He was discharged with others, but was readmitted. He refused his food. I admitted him into hospital shortly after. It might be as well to put in Dr. Wilson's certificate. He was called on to certify in his case as well as others. On the 26th of May 1869, Dr. Wilson states—

"This is to certify that prisoner B. Dillon was received from Pentonville on April 11th 1869, for spinal curvature and general debility, that he was several times in hospital for slight ailments, the

"last period, June the 6th 1869. He remains in "hospital, and is now very much improved in health, "having I find increased a stone in weight since "recognition;" but he has fallen off lately since that occurred. (Witness hands in the certificate.)

14,762. When did you first examine him, Dr. Campbell, can you tell us?—There is no note of any examination; but I must have examined him when he was admitted on the 28th of May. I have seen him constantly. I have seen him at all events at my regular visits twice a day.

14,763. (Mr. Brodribb.) Have you any clear recollection of having examined his chest stethoscopically during the first three years of his imprisonment here?—I cannot say; but I must have done it.

14,764. (Chatterton.) His own statement is, that you never did so at all for upwards of three years, but that Dr. Wilson had done so?—(No reply.)

14,765. (Dr. Greenham.) Has he ever manifested any tendency to chest disease?—None whatever. The man has been free from cough.

14,766. Dr. Wilson, by association, examined him when he came here, but made no note of the result of that examination. Do you infer that he found his lungs perfectly healthy?—Certainly; his lungs sound.

14,767. And when it is the case, that a prisoner is admitted here with his lungs perfectly healthy, it is usual to make any further examination of the organs of the chest unless the prisoner complains?—When a man is admitted into hospital for a slight catarrh, if there is any chest symptoms we examine the chest.

14,768. My question was, having examined the prisoner on his arrival in prison and found his lungs perfectly healthy, it is usual to examine his chest again unless he manifests some tendency to chest disease?—No, I think not, unless he is going away, or unless there is some particular reason for it. If a man is losing weight or there is any reason, I would examine his chest.

14,769. Then it is quite possible, according to the usual practice of the prison, that there being no special reason to induce you to examine his chest after Dr. Wilson had carefully done so, you may not have examined his chest for three years?—I may not.

14,770. (Dr. Lyons.) Do you distinctly recollect that Dr. Wilson did make a stethoscopic examination of his chest?—This is the only entry that Dr. Wilson has made here. If I look over my notes I may find an examination.

14,771. He was admitted on the 11th of April, and on the 26th of May 1869 he was taken into the hospital for catarrh?—For catarrh; yes.

14,772. Was the catarrh acquired here?—Oh yes; it was acquired here.

14,773. Would you suppose that an examination was made of him on that day? Was he taken under your charge then?—Under my charge.

14,774. Have you any recollection whether you did or did not examine his chest on that occasion?—No; it is so long ago that I cannot recollect; but if I had seen the slightest occasion for it I should have examined his chest.

14,775. Is it likely that you would have examined him from the fact of there being entered here "catarrh"?—Yes; after every complaint of the chest. If there is any I examine the chest.

14,776. What do you record as catarrh here?—A simple fibrine attack from exposure to cold.

14,777. Was it accompanied with bronchitis?—No; I do not see any remark here. Here is a remark here: "Pulse all right." Two days after, "No cough."

14,778. On the 26th it is recorded here, "Catarrhal symptoms abated." Yes, on the 26th, "Catarrhal symptoms abated; bowels confined; takes his food." On the 29th, "Pulse all right; no cough;" so that the attack must have been very slight indeed.

14,779. What species of catarrh do you mean when you say there were feverish symptoms and cough?—No cough.

14,780. There was no cough?—No cough. On the

29th I make a remark here, "Pulse all right; no cough."

14,781. Does that mean that he had cough up to the 29th, and that the cough disappeared on the 29th?—No, that does not follow; because there is no mention of cough whatsoever.

14,782. That leads me to ask what kind of catarrh he was labouring under. You say he had catarrh with febrile symptoms?—Yes. He might have just had a light cold but being a little feverish and a very weak man I most likely admitted him into hospital. If he had been an ordinary prisoner in more robust health perhaps he would not have been admitted into hospital at all. This man has been a great deal of his time in hospital, simply because he is a man of weak constitution.

14,783. Having catarrh entered here, you cannot remember distinctly whether you did or did not examine him with a stethoscope that day?—No; and it is further possible that I did not for three days after. He had no cough.

14,784. (Dr. Greenhow.) How do you record the feverish cold?—It is catarrh here.

14,785. Without any cough?—Without any cough.

14,786. (Dr. Lysen.) What classification of diseases is in use here in your records? Do you follow the classification of the Registrar General?—Yes; it has been lately introduced. Here is my report for last year. (*Witness hands it in.*)

14,787. It is the nomenclature of the Registrar General?—It is a new classification, issued to us lately.

14,788. (Mr. Broadbent.) As I understand Dillon was admitted into hospital on the 21st of February 1868. Is that so?—Yes.

14,789. And he was discharged on the 2nd of March of the same year?—On the 2nd of March, stating that he felt all right.

14,790. What is your note on his reception on the 21st of February?—"Admitted for catarrh, a little feverish," and on this occasion "troubled with cough."

14,791. Did he state to you on that occasion that he had been spitting blood of a bright colour?—No. There is no entry. I never heard him say that.

14,792. His statement is that on the night before he became worse, and in the morning on looking at his spit he found that he had been spitting blood of a bright colour; that he got up about 9 o'clock, and went to see you by order of the officer, and that he told you how he felt since he saw you last, and that he had been spitting blood; notwithstanding which, according to his statement, you did not examine his chest stethoscopically or otherwise, but merely felt his pulse?—When was that?

14,793. That was on the 21st of February '68?—I find the entry here is, "Admitted the 19th in "the morning for catarrh, a little feverish, and "troubled with cough." On the 22nd is, "Rather better." 23rd, "Takes all his food;" and then there is no entry until the 27th, when it states, "He has been "going on favourably; the feverish symptoms were "abated."

14,794. Had he complained to you of spitting blood, should you have made a note of it?—Oh, certainly, sir. I have no reason to believe that he ever spit blood.

14,795. (Dr. Lysen.) Is the catarrh referred to here the same as the catarrh referred to on admission in April 1866? Is the kind of catarrh the same in those two instances?—Yes, he has been subject to these slight catarrhal attacks; they are very slight.

14,796. Is there any bronchitis associated with the catarrh?—No, he has been very free from it.

14,797. Have you examined his chest on those occasions?—I must have done so, if there was any occasion for it.

14,798. Was there any sibilant rale or any indication of bronchial irritation?—No remark made to that effect. But I may state that this man, all the time he has been here, has never had any serious attack of illness. The only time that I have been at all apprehensive of this man was when he fell from the table,

which, of course, was his own act. He got up on a table, to open a window. He had an occasion to do it; because I do not think the man has had occasion to do anything for himself at all, to clean his shoes or do anything else.

14,799. (Chairman.) Do I understand that you never were told by him, to the best of your recollection, that he spat blood?—Yes, my lord. I think it must have been stated here if he did.

14,800. (Mr. Broadbent.) He alleges that when he was discharged from hospital on the 2nd of March 1868, he was discharged, not because he was well, but as a kind of punishment for some conduct of which he had been accused in chapel, shaking hands with his fellow prisoners. Are you able to state distinctly that he was well?—That is not at all likely: in the first place I never heard of the report.

14,801. Are you able to state distinctly that you would not have discharged him did you not consider him to be well?—Most decidedly.

14,802. (Dr. Lysen.) You were not influenced in any way as to your admitting patients into hospital or discharging them, by reports or punishment?—I am perfectly independent, and I must state that the directors are most liberal in anything that I ask. I am not restricted in anything that I consider necessary for the sick.

14,803. Would he be wrong in assuming that his being sent out of hospital on that occasion had anything to do with his being reported for the offence of shaking hands with his fellow-prisoners?—What is the date of that paper?

14,804. (Mr. Broadbent.) The 2nd of March is the date of his discharge, and it was the Sunday previous to that that the offence took place. Would it come under your cognizance at all?—Oh, not at all.

14,805. What is your note on his discharge on the 2nd of March, 1868?—"Confined to improve, and as "he felt quite well, was discharged on the 2nd of "March." That is the remark I made.

14,806. (Dr. Lysen.) Have you a previous entry to that?—Yes, on the 27th: "Has been going on favourably; feverish symptoms now abated. Omitted the "saline mixture, and give him the quinine mixture "instead."

14,807. What was your last entry prior to that?—On the 23rd, "Takes his food."

14,808. The day before that?—The 22nd, "Rather better."

14,809. (Mr. De Vere.) You say in that report that you discharged him, he being then quite well. Did he tell you that he felt well? If you refer to the report that you read under date of the 2nd of March you will see it—He must have said so, for I have got down here, "as he felt quite well."

14,810. Did he tell you that he felt quite well?—I record it as his own statement.

14,811. He says that in 1866 a limited number of knickerbockers were served out to the prisoners, and he says, "To provide against a change to cold weather "I applied to Dr. Campbell for sanction or covering of "some kind. He said he had nothing to do with the "change." Did he so apply to you?—I cannot tell, but if he did apply it is recorded in a book kept for the purpose.

14,812. He says you told him that you had no power to give him covering?—No, my lord, which I dare say was the fact.

14,813. (Mr. Broadbent.) Should you or should you not have the power to order extra stockings or whatever might be required?—I should not like to interfere with prison discipline. If I thought a man suffering I should admit him into hospital. I offered a flannel bandage, or in his case a flannel belt around his loins, he being a weakly man.

14,814. He says, "I was very sick and debilitated, "in especially the summer of '68, but though I "applied to the doctor he invariably refused to take "me into hospital." That I think was Dr. Wilson. Did he apply to you?—I do not recollect.

14,815. During that time he says he was at work

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pulling up buckets of brick to a scaffold by a rope. Do you consider that was work that he was fit to do?—Yes; I suppose he was never ordered to work beyond his strength. Before I discharged him from the hospital, I think I wrote to the governor stating that he was only fit for light work. But I find, my lord, that he was admitted by Dr. Wilson in August 1868, for diarrhoea. Then he was discharged on the 21st.

14,816. He says as regards the period before that: "I attended the surgery during the greater part of May '68, when I got medicine, but was not admitted to hospital." Was that the fact or not?—I have got the entries. Yes; that is quite correct. He did attend the surgery.

14,817. He was taking medicine?—He was taking medicine.

14,818. What medicine was he taking?—Quinine mixture principally.

14,819. (*Dr. Lyons.*) During this period was he suffering much from diarrhoea, Dr. Campbell?—No; only slight attacks.

14,820. During the early part of 1868 he states that he suffered from diarrhoea?—It is not entered here to the 6th of August when he is admitted for diarrhoea.

14,821. Have you any entries during the period previous to that of his getting any stringent medicines? No, sir. In February 1868, I see saline mixture with compound tincture of camphor.

14,822. Between the 2nd of March and the 6th of August, have you any entries of medicine that he got? He was not in hospital at the time?—No, sir; I have no entry here. I have gone over the complaining sick book very carefully, and I do not find any entries.

14,823. He states that the officer who was on duty had noticed the frequency of his visits to the water-closet and said, "Are you there again? There must be something very bad in your inside. Why don't you go to hospital?"—What date was that, sir?

14,824. It must have been in the month of May 1868?—That is the time I mentioned when he was taking the quinine mixture.

14,825. Have you a note bearing on the allegation as to his having had diarrhoea about or during that time?—No; there is no entry of his having had any stringent mixture at all at that time. On the contrary there are two or three instances where he had spent medicine. He had spent medicine on the 19th of February. These are entries made in the complaining sick book.

14,826. The dates we are now speaking of are between the 2nd of March and the 6th of August 1868?—There is no entry here in March at all.

14,827. In April is there any entry there?—There is no entry in April. There is no entry until the 12th of May.

14,828. What medicine did he get then?—A saline draught on the 12th of May.

14,829. What would the saline draught be for?—Just one of those attacks that he is very subject to; a little common feverishness referred to cold in the head.

14,830. It would not be a saline aperient?—No; *Ipser aromaticus* or similar.

14,831. What else did he get during this period?—On the 19th a *senna* draught, and it appears to have been repeated on the 20th; but there is no mention made there at all of any stringent mixture.

14,832. Have you any entries from March to August showing that he got stringent medicines?—The next entry here is on the 18th of June, at 7-30 he had aromatic mixture with chloroform.

14,833. What would that be prescribed for?—For diarrhoea, and it is mentioned "diarrhoea" on the following day.

14,834. Follow on three and see if there are any further entries of medicines for diarrhoea?—Yes, on three days following, at 7 o'clock in the evening, he had that draught. On the following day he had the same; on the 20th he had a simple aromatic mixture. Then again there is no entry until the 6th of

August, when he again complains of disease, and has aromatic mixture at noon.

14,835. On the 6th of August he was taken into hospital?—On the 6th of August he was taken into hospital.

14,836. For diarrhoea which appears to have continued?—Yes.

14,837. (*Chairman.*) He states in the printed statement that he has forwarded to us: "From March to June 1868, I was afflicted with the most acute pains. I suffered from neuralgia in the face. My gums became frequently swollen and my front teeth loosened; but the most intense pain of all was in the crown of my head and extending to my forehead. My scalp was painful and sore to the touch. My hair got thin and began to fall out. Rheumatism of the acetabulum was running all over my body and was especially painful in the right hand and wrist. I suffered intensely from the cold; my chest became very sore and painful especially over the right nipple. The pain extended to the back under the right shoulder. I breathed with difficulty, always getting worse at night. I felt very sore from my throat along the windpipe and down to and across my stomach. I felt very bad one morning when Dr. Campbell was visiting the patients in the hospital. When the doctor came into our dormitory, as he was asking Colonel Thomas F. Boerke and Mr. Mulcahy how they were, I began sobbing; my waistcoat and shirt with the view of asking him to examine my chest; but instead of turning to me and asking me how I was, when he saw by my sobbing what I wanted, he continued talking to them and backed out of the room without asking me how I was. As he was leaving the room I said 'my chest is very bad,' but the doctor took no notice of my remark. The doctor has acted similarly to me on other occasions." Do you recollect this occurrence?—No, my lord, I do not think that could be possible. The officer in charge of the ward who always accompanies me, would be able to relate that I should think.

14,838. Are you able to state that there was any occasion on which, when he presented himself for examination, you refused to examine him?—Oh, never on any occasion I should think, my lord. He might have on that occasion, according to his own statement, been undoing his clothes, and I might have gone out without hearing him.

14,839. (*Mr. Sedwick.*) He complains that on another occasion he had reason to consult you about a swollen testicle, and that you instituted no examination of it. Have you any recollection of it?—He is now under treatment for that at the present time.

14,840. Is it a recent affair?—I think it is a recent affair. I examine him now very often. He is under treatment for it now.

14,841. You did institute a proper local examination?—I have examined him very often and given suspensory bandages and every thing required.

14,842. His complaint is that for two or three days you contented yourself with ordering a suspensory bandage, but without looking at the part affected. Is that a possible thing?—That I cannot tell if it did happen. I know that I have examined him very often. Perhaps I might not consider it necessary to ask him to undress his clothes; but I have examined him very often. I did so this morning.

14,843. (*Mr. De Vere.*) If he had asked you would you have done so?—Oh certainly.

14,844. (*Dr. Lyons.*) Have you any recollection of your administering an opium draught to him on any occasion?—I have some recollection of his complaining of his taking an opium draught. Have you got the date?

14,845. He states that in a memorial to the Secretary of State he describes the effects of a draught ordered to be given by Dr. Campbell?—Yes, I recollect that circumstance. He did complain of a draught, but I should not suppose that the draught had anything to do with his complaint.

14,845. Would you state what quantity of opium was in it?—It was single tincture of opium, fifteen to twenty minims in a draught of saline mixture.

14,847. Do you think he did not get more than twenty minims at the outside?—Oh no, not more.

14,848. The tincture of opium?—The tincture of opium, sir. I was not aware of this until I saw it alluded to in his statement to the Secretary of State. I was quite astonished to see it.

14,849. He states that on one occasion, subsequent to that when he went to your office, "Dr. Campbell" "looked angry and red, and immediately said, 'I tell you, man, once for all, you must not be dilling back.' On me when you won't eat your food. I took you 'into hospital for a change of diet, kept you there 'when there was nothing the matter with you. You 'are not sick.'" Did you say that to him?—No, I have no recollection of that at all. He was like the others I suppose discharged from hospital at that time, five together, and they all released a large portion of their food. But he being a weakly man was readmitted to hospital shortly after. He was only out a short time, and he has been in hospital ever since. I wish, my lord, to hand in a statement of the dietary he has had. (*Hands in a document.*)

14,850. (*Chairman.*) What is the paper which you now hand in?—It is the diet ticket, my lord.

14,851. Showing the diet which, while in hospital, Bryan Dixon had?—Yes, my lord.

14,852. (*Mr. Brodrick.*) Does this paper show the diets which he has had in hospital at different times since 1866?—Yes.

14,853. (*Chairman.*) Do you recollect, Dr. Campbell, the occasion on which the memorial was transmitted to the Secretary of State by Bryan Dixon?—Yes, my lord, and I sent a certificate along with it, a copy of which I handed in.

14,854. That memorial applied among other things to a change of food, did it not?—I forgot the nature of it now; but I was quite surprised at his reflecting on me in the memorial. I think he alludes to that draught, which was the only thing that he could bring forward.

14,855. He met with an accident I believe in an endeavour to raise the window of his little room?—Yes.

14,856. He fell backwards off the table on the floor?—Yes.

14,857. Were you sent for?—I happened to enter the ward just at the time.

14,858. What did you do for him?—On the 17th of May 1870, my lord, I make an entry here in my remark ticket: "On entering the ward to prescribe for patients I found that this man had just fallen from the table in the small room when in the act of closing the window. He was at once placed in his bed and appeared to be suffering from pain in the loins, extending round the false ribs on the right. He had a little brandy and then port wine; forenoon with poppy decoctions; also ordered milk and beef tea; visited him several times during the day; in the evening found him a little easier and pulse more regular. It is but right to add that he got on the table of his own accord, when the officer was at the further end of the ward, and that he had no occasion to do so, as one of the officers stands on him when ever required." He suffered a good deal for some time from shock. I changed his diet then to "low hospital diet, pudding, two eggs, chicken broth, a quart of milk and three ounces of wine."

14,859. How long was he under treatment for that?—I find on the 26th of May, my lord, "he is so much better that I recommend him to get up a little;" but he is still under treatment. On the 11th of June "he is moving about in the corridor;" and on the 15th of July, "he goes down to the exercising yard assisted by others."

14,860. (*Dr. Lynam.*) In the yard is he able to walk about, or is he carried down?—He walks down with the assistance of others.

14,861. And when he is in the yard what does he do?—He sits there.

14,862. He is not able then to walk about the yard?—I have not seen him, but I told them to take a chair there for his use.

14,863. (*Mr. Brodrick.*) Have you a note on the 27th of June to the effect that he appeared nearly recovered from the effects of the fall?—Yes; "No complaint for some days, and he appears to have nearly recovered from the effects of the fall."

14,864. And that was your opinion on that day?—Yes.

14,865. And do you retain that opinion, that he has so much recovered from the effects of the fall?—I do not think he has altogether recovered from it. He seems to suffer from it still.

14,866. Do you think he has recovered from the immediate effects of it?—Yes; but being a man of weakly constitution he still feels the effects of it, and is likely to do so for some time.

14,867. (*Dr. Lynam.*) In what respects is he likely to feel the effects of it for some time?—Well, he will not be so well able to move about. The confinement for weeks too has weakened him considerably.

14,868. Is there anything of a purpurgic nature about it, or want of muscular power?—He complains of want of feeling in his legs; but there is no paralysis. I think. He was very anxious to try the battery, and it was allowed, to gratify his own wish; and the compound tells me that the muscles appear to act very well.

14,869. Have you seen the battery applied?—No; Dr. Hoffman usually gave it.

14,870. Is there any loss of sensation in his limbs?—He complains of numbness.

14,871. Have you tested it?—No.

14,872. Have you any reason to doubt that there is a certain amount of numbness?—It is quite possible that there may be a certain amount of numbness, but it does not prevent him from moving about.

14,873. Do you think the fall affected the spinal cord or membrane?—I think it is quite possible that the fall might have done it, the spine projects so much; and he appears to have come down on that particular part.

14,874. Has there been any change noticeable in the condition of the urinary secretion since the period of his fall?—No, nothing.

14,875. No want of power over the bladder?—No, sir.

14,876. I find it recorded that previous to this fall he applied for antispasmodic medicines?—Yes, he did; occasionally he was suffering from diarrhoea.

14,877. He states that since that fall, the contrary condition has become prevalent?—That is very possible, because he has not been moving about now the same as he had been before, which would be sufficient to account for the torpidity.

14,878. Have you any apprehension besides that, as indicated by this symptom?—No, I think not.

14,879. You are aware that it is sometimes an important symptom of lesion of the spinal cord?—Yes; but I see no reason in his case.

14,880. Has he had frequently to apply for medicines since?—No; I do not think he has very often. He has always when necessary had a little ordered him.

14,881. The accident occurred on the 17th of May you say?—Yes.

14,882. I find on the 23rd "bowels confined;" 24th "bowels confined;" and again on the 26th, "bowels confined"?—Yes; "bowels not moved;" repeat the draught; easier; bowels confined." Then I recommended him to get up and move about a little; and then I see he was purged on the 2nd of June.

14,883. Did he get any medicine before that? could he have got house medicine without its being added here?—It is quite possible I might have ordered a little chalk mixture.

14,884. I think you say he was purged. Could he have got house medicine to produce the purging?—I think not. It would have been noticed.

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14,885. Is an entry of the administration of house medicine always made?—It is always made. It is always ordered by myself or the assistant surgeon.

14,886. He states that his bowels have been decidedly more confined since the accident, and that as a general rule he was subject to diarrhoea more or less before the accident. Is that consistent with your observation of him?—I do not see here that he has required much opening medicine at the time, but I am inclined to think that confinement has a good deal to do with the state of his bowels.

14,887. You mentioned a while ago that you think there may have been some injury to the spine from the fall?—It is quite possible.

14,888. I wanted to see whether there is any constipation consequent?—I understood what you mean; but I do not think the constipation arises from that cause, but is more likely to be from want of exercise.

14,889. (Chairman.) He states "On the 20th of July last I was necessitated to use the stool in the room. It was sent there for my use, being unable to walk unsupported to the closet. I never was necessitated to use it except in the morning once generally, and very often only every second day." He says he was told that the doctor and officers said that he did not require to use it at all; and he then says that he prepared a short note of what he had been told by the prison officers, intending to read it to you; but that you passed by their room that night without entering it, but turned back as the officer told you that he wanted to see you. He says he stood up as you came back, supporting himself on the chair, and said to you that in order to be careful and prevent mistakes he would read a note which he had written, and that having read it he asked you was it true. He says "Of course, he answered"—I leave out a word or two—"slowly in this way?—I consider as you are able to take exercise for five hours every day, you ought not to use the chair when you come back from exercise." I told him I never used the chair in the afternoon, and asked him how did I take exercise. He made no reply. I asked him how could I help using the chair if necessitated to stool, as I could not walk by myself. He avoided answering directly, and again deliberately repeated "You can take five hours exercise and you must not use the chair after exercise." I told him again I did not use the chair after exercise as he called it; that whenever I used it it was in the morning, often after I had taken opening medicine; and often I did not use it at all. He said again, "You can take exercise and you must not use it," and turning to Mr. Power and Mr. Minkley said, "I am sure the others must find it disagreeable." He adds that seeing that in spite of his protestations to the contrary you continued to say that he did use the chair after exercise he said, "You have been listening to the lying stories of prisoners and believe them to be true; and to say that I used the chair after exercise would be standing me."

Did that scene take place?—Yes; and he behaved in a grossly impudent way to me. I never met with such insolence from almost any prisoner that I have had to deal with. I may just mention what occurred. I visited the patients in the ward in the evening; a little after 7 o'clock. I was told the prisoner Dillon wished to see me. I at once went to the small room which was occupied by him and two other prisoners. He was standing at his bedside with a paper in his hand, and in a very insolent and excited way complained that the prisoner Anne McCoy refused to empty his close stool and wished to know if I had given orders to him not to use it. As he continued to question me in a very improper manner, I reminded him that I always spoke to the prisoners in a quiet way and should think on his doing the same to me. I had not given any orders about the close stool, but finding that he was able to walk to the exercising yard for several days, with assistance, a considerable distance, I suppose about a hundred yards, where he remained with his companions I told him that I thought he might be assisted to the closet, which is within three yards of his dormitory.

The prisoner however immediately accused me of insolence, and behaved in a most inhospitable manner. I cautioned him to be quiet, but he went on, and I then told the officer to report the circumstances. There are two men who have met with every possible kindness. They have been allowed any diet almost they have thought proper to ask for, and that is the return they have made. I am glad to say that the prisoners I have to deal with in hospital are generally very respectful and grateful.

14,890. Was this case entered into by the governor?—It was entered into by the governor.

14,891. And what was the result?—The director ordered them to be removed to B ward from the small room which they had occupied for a considerable time.

14,892. (Dr. Legent.) What was the date of that occurrence that you have referred to now?—I could only look on it as I have not given these men the slightest ground of offence—I could only look on it as a premeditated insult; as being prepared to insult me when I went into the room. On the 20th of July this occurred.

14,893. Have you two assistants named Driscoll and McCoy?—Yes.

14,894. Are they prisoners?—Yes, prisoners. McCoy is now in attendance on Richard Burke, because he is recommended to me by Mr. O'Leary as one of the most respectful prisoners in the hospital.

14,895. And Driscoll?—Driscoll is also a very attentive man, but Dillon made a complaint of Driscoll.

14,896. What have you to report as to those two men?—They are very good, attentive men.

14,897. Are they men liable to be disagreeable or violent?—Quite the reverse.

14,898. Are they men that you find to carry out the duties imposed on them?—Yes; most patient, well-conducted men.

14,899. Would it be their duty to rub Dillon with the liniments which you prescribe?—Yes; but Dillon refused it.

14,900. Did either of these two men refuse to rub liniments on his spine?—I got a report from officer Lever on that question.

14,901. But as far as you know yourself, are you aware whether they did refuse, or are they men who would be likely to refuse to perform a duty imposed on them by you?—They refused because he would not allow the man attending on him to do it.

14,902. Who is the man attending on him?—His name is McCoy.

14,903. (Chairman.) Just read the report, please.—This is a report made to me by the officer:—"Sir, on the night of the 21st, about 7 p.m., Bryan Dillon asked me to send one of the nurses to rub him with Eucum as he would not allow his own nurse, 3575, James McCoy, to rub him. I asked the other nurse: 'he declined doing it as he refused to allow the nurse appointed for him. I told him the other nurse refused, and that McCoy was prepared to do it if he did not speak to me. He said no, he would go without being rubbed. Signed, WILLIAM LOVER, assistant warder.' This officer has been in charge of the prisoner several times. There is another relating to Driscoll by the same officer:—"Sir, the prisoner Dillon reported to me this morning that Driscoll the nurse was very contrary, and I wish to know, for my own information, whether the nurse is bound to take the water to wash in the morning, or whether they are supposed to wash with the other prisoners in the lavatory; whether the nurse is supposed to dress their cell pots, or whether they are to clean them themselves, as it appears the other nurses have done? They got up at 7 a.m. in the morning. This morning it was a little past 7, and had to wash in the lavatory after it was cleaned for the day." I mention here that as the nurse for Dillon and Murphy was less obliging than other nurses, I told the officer to send him away from them into the other ward. This officer at the same time mentioned that Dillon and Murphy got up later than the other patients and went to the lavatory after it was cleaned for the day. My answer

is that he was to tell them that water would be taken to their bedside in the morning if they felt ill and unable to get up.

14,904. Have you, Dr. Campbell, any reason to believe that officers in charge of the infirmary patients have set themselves against them and acted with a feeling of animosity towards them in any one, in consequence of their not giving them a part of their allowance?—No, my lord.

14,905. Have any cases of that sort ever come to your knowledge?—No, my lord.

14,906. You have no reason to believe that that system prevails?—I quite disbelieve it.

14,907. (Mr. Brodick.) Have you lately ordered Dillon a special cushion and a rest for his legs?—Yes.

14,908. (Mr. De Vera.) Dr. Campbell, will you be so good as to state, with as much particularity as you can, Dillon's present condition?—He is, on the whole, a little weaker. He is still suffering from the effects of that accident, and the consequent confinement, but in other respects he is very little changed from what he has been when he came here first of all. I have got his weights at different times.

14,909. (Dr. Greenhow.) When was he weighed last?—He was last weighed on the 16th of May.

14,910. (Mr. De Vera.) Has he been weighed since the accident?—Not since the accident. We can weigh him. Dr. Greenhow wishes for his measurement; he can be weighed at the same time.

14,911. Is he labouring under difficulty or inability to walk without assistance?—Yes; at the present time he requires assistance.

14,912. Is that consequent on the accident?—Consequent on the accident.

14,913. I think you mentioned that he is at present under treatment for swelled testicles?—Yes.

14,914. Is that in any way connected with the accident?—No; I cannot trace it to the accident. I do not know from what cause it arises.

14,915. I think it was on the 27th of June that you made a report that he was nearly recovered from the effects of the accident?—Yes.

14,916. That was nearly two months ago?—Yes.

14,917. Could you say now, at the present moment, that "he is nearly recovered from the effects of the accident," if he is still unable to walk without assistance?—No; I cannot say. I implied here "from the immediate effects of the accident." He appeared to be very seriously injured when I saw him first of all.

14,918. If the effect of the accident was such as to deprive him of the power of moving without assistance, would not that be a very serious effect?—Yes; but since the accident he has been able to go down to the exercise yard regularly.

14,919. Has he been able to do so without assistance?—Not without assistance.

14,920. Then the effect of the accident so far appears in him that he is, at this moment, unable to move without assistance?—Without assistance.

14,921. Taking into account that his progress towards recovery has been so much slower than you anticipated, is there anything in his present condition to which you would attribute the disappointment of your hopes?—Yes; I thought he would have made a more rapid recovery. Still he is unable to move about.

14,922. To what do you attribute the greater slowness of his recovery than what you have anticipated?—Well, I cannot answer that question. I am not aware of any cause. I thought he was making very rapid progress. He made no complaints for some days, and appeared nearly recovered from the effects of the fall; that was the immediate effects of the fall that I alluded to. But a man in his condition, with curvature of the spine, is more likely to suffer more or less from the effects of such an accident than another person.

14,923. Are you of opinion that, taking into consideration his position here as a prisoner, you can feel confident as to his recovery from the effects of this injury?—I have no reason to apprehend any danger at the present time.

14,924. Have you any reason to expect a complete recovery?—Yes, I have, sir.

14,925. His progress hitherto has disappointed your expectations very much, has it not?—Oh, considering the weakly state the man is in, it has not disappointed me much. I should not expect him to make such rapid progress as a man who had been formerly in good health. He is a weakly man, and the original weakness must of course tell more on him now.

14,926. Is there anything in his condition and discipline here in prison which, in your opinion, militates against his recovery?—I think that here he has every possible chance of recovery, with the exception that confinement, of course, must act on him as upon any other prisoner. But in all other respects I think his chance of recovery here the same as outside.

14,927. (Dr. Greenhow.) Is his chance of recovery better or worse here than if he was outside and had to work for a living?—I think his chance of recovery is infinitely better here. You have only to look at the dietary he is getting, which a man outside working for his diet cannot get.

14,928. (Dr. Lyons.) If he were at home with his friends, and not obliged to work, would he have a better chance of making progress than he has here?—Supposing his friends had the means of giving him every comfort he requires, I think certainly he would stand a better chance outside, because the confinement in prison must have a depressing effect, more or less, on every one. But in all other respects he is the same here as he would be at home.

14,929. (Mr. Brodick.) Is there anything else with respect to the health of Bryan Dillon that you would desire to add?—No; I am not aware that there is anything else.

14,930. (Chairman.) Dr. Campbell, since the 23d of last month, July, Dillon, Molineux, and Power have, we believe, been removed from that room in which they were living, adjoining the hospital, and have been placed in certain cells?—Yes, my lord.

14,931. You are aware of that?—Yes, my lord.

14,932. Are those cells in D ward separate cells?—Yes.

14,933. Are those the cells in which, supposing them not to be in hospital, but in their former prison class, they would be located?—No, my lord. But this D ward forms a part of the hospital. I have got other patients there as well as those men.

14,934. They are separate cells in connexion with the hospital?—Large separate cells; the largest that we have.

14,935. Under what circumstances have they been removed from the small room which they previously occupied, to these separate cells?—By order of the director.

14,936. Are these cells cells which are perfectly consistent with health?—Oh, perfectly, my lord.

14,937. And satisfactory as regards ventilation?—The ventilation is very complete, and they are the largest cells that we have.

14,938. They say that the cells are very oppressive and close this hot weather. Do you think there is any ground for that allegation further than the natural effects of this hot weather anywhere?—No, I believe not, my lord. The doors are kept open all day. They are not shut up in these cells.

14,939. They are shut at half-past 5?—They are shut in the evening. They are kept open all day, and these men spend most of their time in the exercise yard. They go down there as early as 7 o'clock in the morning.

14,940. How long do they remain there after 7 in the morning? Do they come up for breakfast?—They take breakfast before they go down.

14,941. When do they come up again?—They come up at my visit, but they may go down after that; and again they go down after dinner and remain there until 5 o'clock.

14,942. (Dr. Greenhow.) Is it usual for prisoners to spend so much time in the yard?—Quite usual.

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14,943. (Chairman.) Is it the case with all the Fenian prisoners in the infirmary?—Yes.

14,944. (Dr. Greco.) Is it considered an indulgence?—A very great indulgence.

14,945. Would that favour be extended to other prisoners?—No, it is not extended to any others.

14,946. Is never has been?—No.

14,947. (Dr. Lyman.) Is Dillon carrying one of those separate cells now?—Yes, but he sits in the corridor during the day. I find him in the corridor outside the cell.

The witness withdrew.

Captain HARRIS recalled.

14,948. (Chairman.) Captain Harris, I believe some change has taken place since Saturday the 21st of July in the mode in which the prisoners Dillon, Power, and Mulcahy are located here?—That is so, my lord.

14,949. Will you state what that has been and why it has taken place?—The change was made in consequence of something that took place in the infirmary, an insult offered to the medical officer by the prisoners Power and Dillon, what I conceive to have been a preconcerted plan between them.

14,950. Was there not a third prisoner?—Another man was there, but he did not take any part in it. Mulcahy was also there.

14,951. It was reported to you?—It was reported to me. I forwarded the report to the director.

14,952. They were removed from that room in which they were located together and in company with Richard Burke to the separate cells, were they not?—To another part of the hospital.

14,953. But still separate cells?—Separate cells.

14,954. And Richard Burke remains in the room in which he was before?—Yes.

14,955. Why was Mulcahy removed when he did not take any part in it?—It was considered better to put them all apart. I referred the question in the usual way.

14,956. To the directors?—Yes; and they authorized me to make a change if I considered it necessary. I considered the insult offered to the medical officer required that the change should be carried out. I can produce the report of the evidence if necessary.

14,957. Mulcahy does not appear to have taken part in it?—No, he did not; he did not take any active part in it. I believe myself he was fully aware of the plan.

14,958. Will you kindly get the report book?—Yes.

14,959. What provision is made now in the absence of those men for the care of Richard Burke?—There are two men in the dormitory with him who are specially charged to look after him.

14,960. Are they men who have been recommended to you as careful men?—Specially recommended as first-class men.

14,961. By whom have they been so recommended to you?—By the medical officer, with the approval of the visiting priest.

14,962. What are their names?—Montague and McCoy.

14,963. They have been placed there with the approval of Mr. O'Leary?—Yes; he specially recommended those men as likely to get on well with Burke.

14,964. How long had Power, Dillon, and Mulcahy been in that room since his removal from Millbank to this prison in May, from his last removal.

14,965. Have they been inmates of the infirmary all that time?—Yes. Power was not located in the dormitory, but he had permission to be with the others in the daytime. He was located in another dormitory some distance from that.

14,966. Power had been there all along?—All along, being an invalid.

14,967. And Mulcahy?—And Mulcahy.

14,968. What week was Dillon put to when he was

14,948. Is he locked up at half-past 5 in the evening?—Yes.

14,949. Is he alone from half-past 5 in the evening until 7 in the morning?—When they open the cells in the morning. I do not know the exact time that they open them.

14,950. Somewhere between 6 and 7?—I suppose so.

14,951. In his present helpless condition, do you think that desirable?—There is close observation. The officer occasionally goes round. There is an officer attached to the ward. It is under constant supervision.

employed and not in the infirmary?—Since I have been here he has never done any work. I think he has been in the infirmary the whole time. I cannot say positively.

14,973. (Mr. Brodrick.) How many of those small infirmary dormitories have you with two or three or four beds?—Six in all.

14,974. On what principle are prisoners located in them?—Generally ones that require particular watching. The location of men while in the infirmary is determined by the medical officer.

14,975. (Chairman.) Are you speaking of rooms three or four together?—No, single rooms, with one bed.

14,976. (Mr. Brodrick.) I mean rooms having three or four together?—There are only two of these; one at opposite ends of the infirmary.

14,977. On what principle would prisoners be located there?—The ordinary prisoners are placed there, usually special cases for medical observation. I know there are in one of these rooms three special cases, one is paralysed and two other very enfeebled men placed with him, I think, for quiet and rest.

14,978. (Chairman.) Placed there by the doctor?—Yes. He has the location of the treason-felony men as long as they are under his care.

14,979. (Mr. Brodrick.) Is it considered a privilege to be in a small room rather than a dormitory?—I should say it was. There is much more quiet and peace if a man was lodged to rest.

14,980. (Chairman.) What book is that you have?—The prisoners' misconduct book, my lord.

14,981. Will you read any entry in it about that time with reference to those three prisoners?—On the 21st of July I find the following entry, made by myself:—"6664, E. Power. Dr. Campbell states, 'On

"paying my usual visit to the hospital last night, at about 7 o'clock, Mr. Daborn informed me that

"the prisoner Dillon wished to see me. I at once

"proceeded to the dormitory and found him sitting

"up with a paper in his hand. He asked me if I

"had given orders not to empty his night-stool. He

"talked in a very excited manner. I reminded him

"that I always talked to the prisoners in a quiet way,

"and that I must request him to do the same. He

"ordered had been given with regard to the prisoner's

"night-stool, but considering that the prisoner

"Dillon had been assisted down to the exercising

"yard for several days, and had remained there some

"hours, I told him that he might be assisted to the

"closet instead of using the close-stool. At the

"same time I told him that during the night, or

"when unable to move about, the stool would be

"there for his use. The prisoner Power was stand-

"ing behind me. I did not address him, but he

"spoke to me. He said, 'Your conduct is infamous

"to speak to Dillon in that way.' His manner was

"most violent, extremely insolent, and contemptuous.

"In the end he dashed a book he had in his hand on

"the table. I warned him to keep quiet, and

"directed Mr. Fry to report the circumstances.

"The prisoner said in the same insolent tone,

"Report us all."

14,982. Who said that?—Power. "During the

"time I have been in the corridor service I have

"never experienced such insolence from a prisoner. This insolence was quite unlooked for and unprovoked, as I had not said a single word to the prisoners." Principal Warden Fry states that "at about 7.30 p.m. yesterday, I was present when a discussion took place between Dr. Campbell and the prisoner Dillon. Prisoner Power said to Dr. Campbell that the way he was talking to Dillon was most inhuman; turning himself round in an insolent manner said, 'Look! what's the use of talking?' He took his book with great force, saying, 'Report me—report us all.' The prisoner was most insolent." Mr. Fry states that there was nothing in Dr. Campbell's manner which would call for any such remark. The prisoner being called upon, stated, 'I have nothing to say, but I believe Dr. Campbell to be inhuman.'

14,983. When prisoner was that?—Prisoner Power: "that if he brings charge he would get half 'a dozen men to swear to it, or do anything he chooses."

14,984. Was there any complaint against Dillon?—None; Dillon merely was excited in his manner.

14,985. (Mr. Broadbent.) What was the director's order on that; is there a record of it?—Yes, there is. I can give it to you. The man was unfit for punishment. I could not forward the usual certificate of his fitness for punishment, and the director therefore practically took no notice of the report.

14,986. (Chairman.) You took no notice of the report?—No. I consider the man therefore reprehensible but I was authorised at the same time to make the charge I spoke of.

14,987. By whom were you authorised?—By the director.

14,988. And in the exercise of that discretion you moved Power, Dillon, and Mulachy from the room they occupied to the separate cells in which they are now located?—I did.

14,989. (Dr. Lyons.) Was there no charge against Dillon in reference to it?—There was not.

14,990. Why then was he moved to one of the separate cells?—I thought it better that they should all be apart. I have long thought so.

14,991. That they should be apart?—To a certain extent. They are altogether in the daytime now, and exercise together; but they are to a certain extent separated.

14,992. (Chairman.) Is that report to the directors or to yourself?—This is a report that came before me, but I forwarded it to the directors.

14,993. (Dr. Lyons.) Is it in consequence of any misconduct on Dillon's part that he is now in a separate cell?—No, I can hardly say that; but I think there was a combination amongst them on this particular occasion to insult the doctor.

14,994. There is no record of a charge made against Dillon in reference to that transaction?—Beyond what I said that he was very excited in his manner, apparently with the object of affording Power an opportunity of insulting the medical officer; that is what makes me think it was a preconcerted scheme.

14,995. (Mr. Broadbent.) Are there other prisoners in the separate cells who have incurred no punishment whatever? Is the location of prisoners in separate hospital cells to be regarded as punishment at all?—Certainly not. Many of them are placed there for convenience, in order to be at hand when the doctor wishes to prescribe for them. It is no punishment whatever.

14,996. Is being located with one or two others in a small dormitory to be regarded as either an exceptional privilege?—They might possibly regard it as a privilege, but it was never regarded in that way. Special medical cases are so located, but for thoroughly good reasons.

14,997. (Dr. Lyons.) How long were those treason-felony prisoners so located together?—Many months.

14,998. Would it not then amount to a deprivation of a privilege, so far as it was a privilege to a certain extent, to separate them?—I do not think it could be

so regarded, for this reason, that during the time they are all out they sit together the whole day. They are therefore in association.

14,999. At what hours are they locked up?—At night at a quarter to 8 o'clock. They would not be together at night.

15,000. (Chairman.) They say, "We are locked into our cells five nights at half-past 5 o'clock."—Not so soon. It may have happened that the officer has been withdrawn earlier than usual occasionally.

15,001. (Mr. De Vere.) I think you said that there are certain considerations connected with locating two or three prisoners together in these small cells which conveyed certain privileges on them, such as greater rest and quiet?—I quite think so.

15,002. If a man is contented from that it is not depriving him of this privilege?—With regard to the hospital location, when you consider the number of men in a room, I think they gain much more privacy by being put in the small dormitories at the end. But comparing that with the present location of the treason-felony prisoners they are quite as private now as they ever could have been in the hospital; in fact, more so.

15,003. But they are not associated together?—Not to the same extent; not at night.

15,004. I think you stated that you made this change in the case of Power in consequence of his having used insolent language?—I did.

15,005. And I think you said that you made the change in the case of Dillon because you considered that he took part in it?—Exactly.

15,006. And I think you also stated that Mulachy took no part in the transaction whatever?—On that particular occasion, no; but frequently before he has combined in the same sort of way.

15,007. Do I understand you to say that in consequence of any previous combination of his you thought it desirable to take him out of that particular room?—I did, taking into consideration his general conduct in the infirmary as reported to me, I considered it highly necessary that he should be separated to a certain extent. At the same time I do not consider that that separation could be looked upon as a hardship by the men himself.

15,008. Would not the taking away of Dillon and Power from his have effected that separation without removing him?—That might have been done, indeed. Of course their separation would have been so effected; but I considered it better that they should all go to separate cells in another hospital ward.

15,009. This was the dormitory in which Richard Burke was?—It was.

15,010. Did you consider whether, taking into account the state of excitement and mental disengagement in which he may have been, the removal of his three fellow-prisoners might have had an injurious effect on him?—On the question being referred to him, the medical officer told me that he did not consider that R. Burke would be at all injured by the proposed change.

15,011. (Dr. Lyons.) Are you aware that Thomas Bourke is supposed to have some considerable influence over Richard Burke?—I am. On one occasion I remember pointing that out to the officer recently.

15,012. Would there be any objection connected with the discipline of the prison in putting Thomas Bourke into more close association with Richard Burke?—I do not think there would, except beyond the general rules of the establishment; Thomas Bourke being a strong shrewd-bodied man, he would have to be placed in the infirmary; but beyond that I see no obstacle.

15,013. Could he not take the place of one of the men specially put in charge of Richard Burke?—He might.

15,014. And would he not have a better chance of being induced to take his food, and becoming more amenable?—He would, but there would be that difficulty that he is an able-bodied man outside.

15,015. (Chairman.) They are infirmary patients?—They are; but of course that obstacle could be got

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over. I was correct yesterday, my lord, about the number of individuals. I have gone over the books since. Dr. Conybell has gone over them also, and he tells me that there are 70 cases at this moment. There are several men who are what they call doubtful cases that we have received from time to time; and he reports now that there are 30.

15,016. (*Mr. De Vere.*) It has been stated before us, Captain Harris, that a prisoner preferred a request before the governor that he should be allowed to see the director or make an appeal to him; that the governor asked him on what grounds; that he stated certain grounds, and that the governor said to him, "Oh, I know what the opinion of the director is in this case, and I shall not forward your application to the director." This occurred, I believe, in the case of another governor before your appointment. I should deeply wish to ask you whether, under similar circumstances, you would feel yourself justified in refusing to a prisoner the power of appealing to the director?—I do not think I should be that particular case as you put it.

15,017. (*Chairman.*) You wish, I understand, to make an addition to an answer you gave yesterday?—I do, my lord.

15,018. What is it?—The question of Assistant Warden Haines having been assaulted by the prisoner Daly. I did not take it down on the notes, but the officer stated to me, after having said that the assault was quite unprovoked, that he was at a loss to account for it in any way, so he did not remember to have addressed the prisoner that day.

15,019. We have it before us that that day Haines himself was wounded?—He was.

15,020. (*Mr. De Vere.*) Was that case investigated before you in which the prisoner Daly had been hurt in the scuffle?—It was.

15,021. Was it stated before you that there were three cuts in his head which must have been inflicted by three separate strokes of a baton?—The officer was not sure. The medical officer told me in a conversation I had with him, that the man had received three blows, which I thought quite likely from the evidence.

15,022. May I ask you this: in the case of a single prisoner, no matter how violent he may be in a conflict with three able-bodied wardens, can anything justify three blows being given on the head by the wardens to that single prisoner?—Each of them giving him a blow?

15,023. Either one of them giving three, or the three giving one blow each; that three blows should be given in no connection with three able-bodied wardens to one prisoner?—I can hardly understand the circumstances that would justify the use of such force as that.

15,024. In the case of a scuffle between wardens and a prisoner, would you not think it a matter requiring the strictest investigation if you found that three blows had been given to the prisoner on the head by the wardens of the wardens?—That depends entirely on the amount of violence used by the prisoner.

15,025. (*Dr. Lyons.*) Do you think it necessary that the wardens should strike a man on the head at all?—I do not know that it is necessary, but I hold that would be the first part of the body on which a blow from a truncheon is likely to fall.

15,026. Do you not think that there is considerable danger to men using their truncheons under such circumstances?—I do not think there is.

15,027. What would be the object of striking him on the head at all?—To disable the man.

15,028. If it is justifiable at all would it be a secure way to him to render him less able to resist them? In that amount of violence justifiable or necessary?—I am not prepared to say. Of course, every man in defiance of his own life would naturally disable his opponent as soon as possible.

15,029. Where a prisoner resists three wardens there is not always danger of death?—No; but you can hardly draw the line I think. An actual assault

on a warden is generally considered sufficient grounds to use force.

15,030. I want to know whether you think it would be justifiable to use force accompanied by violence in offensive action, such as striking on the head?—I think it would be in case of an actual assault.

15,031. What would be the object of it?—I presume the object of it would be to disable the antagonist, wherever he be, in the case of any man.

15,032. How would a man be disabled by a blow on the head unless it was given with such force as to stun him? Would it not exactly have the effect of aggravating him?—I do not think so.

15,033. (*Mr. De Vere.*) Did you on this occasion investigate the amount of actual force and satisfy yourself that it was more than was required?—No, I did not. I took the medical evidence certifying that the man was not much hurt, and I proved that myself by seeing him the following morning at 9 o'clock. He then stated up in what I should call a sprightly manner, and said that he was "all right," and he certainly looked as if he had received no injury whatever. But for the bandages on his head I should not have thought he was injured at all.

15,034. Is there not a restriction placed on the amount of offensive violence that one or more wardens may exhibit to a prisoner?—No; the amount must vary in every case. If they use excessive violence they will know that they are liable to be punished for it.

15,035. (*Dr. Lyons.*) Are they taught any method of overcoming the violence of prisoners with the smallest amount of violence on their part?—They are not. No special instructions are given. It seldom occurs.

15,036. Do you not think it desirable that they should be instructed in the best way of overcoming prisoners without resorting to violence?—It might be.

15,037. Do you not think that a couple of men could be trained and simple directions given to them which would enable them to master a violent prisoner without exercising violence of an offensive kind?—That would be very easy if they were always at hand to carry out the system.

15,038. In any case do you not think that a man trained and skilled would have a better chance of overcoming violence without doing injury than an untrained man?—Certainly he would.

15,039. Are the police not trained in some way in regard to capturing prisoners amongst the public?—They are to a certain extent, but I hold that the conditions of the convict service are very different from any other in that way. Assaults on officers are usually intended to be serious. They are usually made with some weapons, or at any rate when an assault is made the prisoner intends to injure the officer severely.

15,040. Even admitting that, do you not consider that the officer, if trained and a skilled combatant, would have a much better chance of overcoming a man with less violence?—I think so. I think that you could carry out some system of instruction which would enable them to overcome their violence in certain cases.

15,041. Have you often known cases of violence?—Very few.

15,042. Have you ever tried or assisted in trying charges of violence by wardens against prisoners?—No, I do not think I have. I may add that they occasionally handle them roughly, but there is no such thing as struggling or violence of that sort. In some cases of prisoners using great violence the officers have used unnecessary force at times. I do not mean these two.

15,043. Do you mean more force than was necessary?—More than was considered necessary by the authorities; but those cases are very rare.

15,044. (*Chairman.*) In every case where there was reason to suppose that the prisoner had sustained any bodily injury from a warden would it be made matter of inquiry?—It is immediately. Reports are

required in writing from all the officers concerned, and anyone who was present at the time.

15,045. Is this case of Daly, was there more than one officer present?—There were two: one was the principal warder.

15,046. He was present, but took no part in it?—He was present, but took no part in it.

15,047. Then it was a conflict between those two men?—It was, between Harms and the prisoner.

15,048. The prisoner made an assault on the officer?—The prisoner made an assault without the officer addressing one word to him.

15,049. (*Mr. Dr. Fere.*) If the principal warder, who was standing by, had assisted the other warder in restraining the man, would it not have obviated the necessity of striking the man on the head?—As far as I can gather, the affair was so sudden that the man drew his staff suddenly and struck the prisoner.

15,050. (*Dr. Lyons.*) But there were no blows given by the prisoner?—The man would not desist, but kept on pulling the officer's beard out.

15,051. Would it not be better for the assistant warder to have stopped it and assisted the other, and so prevented the necessity of this violence?—No doubt he would have done so had time allowed. I was fully into the case at the time, because it struck me as very peculiar.

15,052. Unless he was very slow in his operations, could he not have asked the assistance of the other warders and overpowered the man?—He might have done so, but I held that it was the instantaneousness of the attack that caused the officer to strike the man three times. The principal warder is armed with a sword and has no weapon.

15,053. Could he not have assisted in holding the man's arms?—He might have used his right hand.

15,054. On the whole do you not think that a system of immediate restraint would be preferable in prisons to a system of offensive action on the part of

warders when attacked, unless when in imminent peril their lives?—I do not know that I clearly understand your view. You say "immediate restraint." How is it to be effected in the case of a big strong man?

15,055. By mastering him instead of striking. Are not the warders strong able men?—I do not think you can admit that as a principle, that the prisoner is to be exposed to no injury if he strikes a warder.

15,056. I do not say where a warder is in danger of life; but I say, in the first instance, ought there not to be some restriction to prevent undue violence. Do you advocate the principle of "blow for blow"?—I do not at all.

15,057. Should the blow not be met with restraint in the first instance?—It frequently is; but it is a rule laid down—I won't say it is defined in any printed document—but in cases of assault, where a prisoner assaults an officer, no matter whether it is with a weapon or with the hand, the officer is held to be justified in using his staff.

15,058. (*Mr. Brookwick.*) Do you not think that the knowledge of the rule that an officer is empowered to use his staff may have an important effect in preventing these assaults?—I am quite sure it has.

15,059. Do or do you not think that, as a rule, the officers are interfering in the exercise of that authority?—I am quite sure they are.

15,060. (*Chairman.*) I understand that in every case of injury to a prisoner an inquiry follows?—Immediately.

15,061. And if there was any undue violence used the officer would be reprimanded or dismissed?—He would be immediately reported, and the case would be dealt with by superior authority.

15,062. (*Dr. Lyons.*) Was there anything done to the man who struck the three blows with his truncheon on the prisoner's head?—No, nothing was done to that man.

The witness withdrew.

15,063. Mr. Ollivant read the following letter:—

"To the Commissioners appointed to enquire into the treatment of political prisoners in British prisons.

"Gentlemen,

"The deputy governor of this prison informed me, on yesterday afternoon, that in settling an interview with the Commissioners when they next visited this prison, it was absolutely necessary to state the purport of that interview. Well, it is simply this:—

"To lay before the Commissioners, in as brief a manner as possible, an account of the treatment to which my poor dear friend and fellow prisoner, Colonel Richard O'S. Burke, has received since his removal from Chatham Convict Prison to this prison, in the month of Dec. 1859, bereft of reason and broken down in health.

"I wish particularly and especially to call the Commissioners' attention to the course adopted towards him since the advent of the Commissioners to this prison, on the 16th June 1870; its effects upon him during the six days he was kept separated and isolated from his friends, and for several days, if not weeks, after he had been restored to their society. This separation and isolation the medical officer of this prison, Dr. Campbell, said took place in obedience to a special order from the Commissioners, and that he, Dr. C.—, had no power to interfere in the matter. He fully recognised and admitted its bad effects upon my poor dear friend, but held the blame and consequences upon the Commissioners, whom he felt relieved him of all responsibility.

"On the 23rd ultimo a course was adopted and put in practice by the officials of this prison, whether by

"the order of the Commissioners, or of the Board of Directors, or of the Secretary of State, relative to my fellow prisoners in general, who were confined in the hospital, but which affected and still affects my poor dear friend in particular, namely, the removal of my fellow prisoners to hospital punishment cells in order to deprive them of association; and the detention of my poor friend in hospital, surrounded on all sides by criminals, deprived of the association and company of those who could control his movements, but above all coax and induce him to take portions of his food.

"He has been only three times to exercise, which were, I believe, the only three times he has been out of bed since the 12th July. I am also told, and believe, that for the past 12 days he has taken little or no food. This treatment is well calculated, if not intended to provoke him to some desperate act of violence, if force be used to compel him to dress or to take food; and from my experience of the officials of this prison I feel confident they would be but too anxious to avail themselves of any colorable pretext to lay violent hands upon my poor friend, by laying open his head with their staffs, or cutting him down with their sabres, for the criminal look-alikes, confined in this prison, have not an immunity from the infamous and brutal treatment; and from the course adopted by the officials of this prison towards my fellow prisoners within 24 hours after they had submitted their evidence to the Commissioners, notwithstanding the guarantees promised and given by the Commissioners, that the submitting of evidence to the Commission by any prisoner should not in any way prejudice the future treatment of that prisoner while in prison, seeing that it has, I have every reason to believe that my poor friend will be subjected to and made to feel all the worst effects of penal discipline, and the treatment which has already

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"deprived him of reason will be persistently and steadily followed up until it deprives him of life."
 "I feel warranted in drawing this conclusion, seeing that the course pursued towards him for the past fortnight is fraught with imminent danger to his already enfeebled and impaired health, and that if that course is not speedily stopped or amended it must eventually and necessarily terminate in the death of my poor friend at no very remote period of time. This course is eminently calculated to excite cruelty and to hide crime, by depriving the friends and fellow prisoners of Col. Burke of the opportunity of witnessing his treatment, and watching its effects; and from certain statements made to me by his sister, Mrs. Barry, and others, I see good grounds for suspicion on this head particularly. The Commissioners have here an instance, and now an opportunity of judging of the difficulties which a prisoner has to contend with, and the disadvantages at which he is placed when he professes an accusation, the truth of which in the majority of instances must rest solely on his own testimony; for the prison officials, when they purpose punishing a prisoner brutally and inhumanly, they isolate him from his fellows that they may securely escape detection, and thus avoid the consequences of their cold-blooded cowardly crime. The Commissioners have also an opportunity of putting in force and

"carrying into practice the promise they made to those of us who submitted evidence to them."

"As I've already said, I know not whether the removal and separation of my fellow prisoners took place by the order or at the suggestion of the Commissioners, but one thing I do know, that by being removed to those cells where they are now confined, they are subjected to worse treatment than before they submitted evidence to the Commission; and that my poor friend has been by that order, as far as I can see at present, condemned to a slow but certain, if not violent death."

"In conclusion I beg respectfully to tell the Commissioners that I will hold them responsible before God for any fatal effects or evil consequences that may result from the course adopted on the 23rd ult., and the treatment pursued since and at present towards Colonel Richard O'S. Burke."

"I shall explain more fully and in detail what this treatment has been, when before the Commission, should they accede to my request."

"I have the honor to remain,

"Your obedient servant,

"THOMAS FRANCIS BOURKE."

"Irish state prisoner."

"Woking Gaol, Prison,

"6th August, 1870."

T. F. Bourke.

THOMAS F. BOURKE, prisoner, recalled.

15,064. (Chairman.) Bourke, I hold in my hand a letter which you have addressed to the Commission, and which reached us two or three days ago. The Commissioners here read it over twice, have carefully considered it, and have inquired into all the necessary matters which it contains. But I am desirous to ask you whether you have anything to add to what you have quoted here in explanation or in addition to your statement?—It was a second letter; I presume you recollect one before that from me.

15,065. (Mr. O'Donnell.) There was a former letter.

15,066. (Chairman.) That was an application to see us. We answered it by saying that you should send your statement in in writing. This is your application, is it not?—It was simply an application for a visit. I did not think you would take it as my statement. However, I think it contains all the facts which I wish to state. I expected the Commission would have given me an answer to it.

15,067. Tell me what you wish to state on this?—I wish to call your attention to the fact of my friend's present condition. On the 18th of June, when we were separated by order of the Commission—I have a right to regard it so, inasmuch as Dr. Campbell throws the whole of the responsibility on the Commission—we were all sent to separate wards, and Colonel Burke was put into a ward on the other side of the prison, in separate cell. He remained there some six days.

15,068. (Mr. Brodrick.) Was it an hospital ward that he was placed in?—It was an hospital ward.

15,069. (Dr. Lysons.) A cell or ward?—A separate cell belonging to the hospital. He was put there during the whole time of our stay there. He made use of scarcely any food at all, and when we did come out from separate confinement we found that there was really a great change in him. I was alarmed, in fact, to see him completely fallen away as he was in appearance, and he seemed very much worse mentally and bodily. Well, when he was returned to our society, or the society of those of our friends in hospital with him, after a few days he got very much better. He was commencing to improve; I think he was; at least, he was more cheerful than he is now. This other separation then took place.

15,070. (Chairman.) Is that the one to which you refer on the 23rd of July?—Yes. When our friend was sent into a punishment cell—for such they are, and as such they have always been used—I made application—the next day I think it was—so, it was

on Saturday we were removed, and on the following Monday, the 28th of July, I made application to Dr. Campbell to have Colonel Burke discharged from the infirmary. I told Dr. Campbell, said I, "With the experience of the six days when he was kept away from me before I do not think you ought to keep him separate from us any longer. He was driven to an act of indiscretion then; what guarantee have we that he may not be driven to worse now? It appears during the six days that he was separated from us before an officer came and tried to force him out of bed. He jumped out of bed, caught a hold of the officer, and ran him out of the cell. Well, the officer drew his staff on him, but he did not use it. The principal warder came, and he was quiet." I asked Dr. Campbell, in view of these facts, to discharge him, and allow him to come up into the room with me; that I would prefer having him where I could be responsible for all his acts. He refused, and told me that he had two very good men with him. I told him that no man could be to him as we may have been, and that I thought it would be doing him great injustice to keep him separated from us, and in fact I implored Dr. Campbell to discharge him. He refused; he said he was going on very nicely, and had two very good men with him. How has he been getting on ever since? I do not know whether Dr. Campbell thinks that a man on four to six ounces of food a day is "getting on nicely." You will doubtless bear in mind that when I state this matter of the food I state it only on the representation of a prisoner. Dr. Campbell knows very well when he takes him away from us that we cannot of our own knowledge know what is done to him. He remained in bed, refused to get up, was continually calling for "his friends"; calling for me, calling for "Tom." Well, he got the idea that we were all left the prison. He felt that we were left, and he was crying and crying in his bed. Finally, Dr. Campbell sent up to me one day, and asked me if I would not come down to see him. This was on the 6th of August, the day I wrote this letter. I was writing the letter at the time the doctor sent for me. He asked me to see him, and induce him to take some food. I went down. He was in bed. He had a shirt on him for some two or three weeks. He would not allow anybody to change it. His bed had not been made for a couple of weeks. He would not allow anybody to make it. He had used no food—the hospital nurses told me in the presence of two officers, that he had not been using at the rate of six ounces of bread a day for days; and yet

he was "getting on nicely; very comfortably," according to Dr. Campbell. I spoke to him for some time and got him to use his food—got him to use nearly the whole of his bread—got him to change his shirt—got him to get out of bed and put on something of clothing. I made the bed for him and made things as comfortable as I could. I left him for some time when his dinner-bearer came. Well, that was the only food he had used for a long time; the only thing he had made like a good meal. I entreated Dr. Campbell, having seen this, that he would allow me from time to time to go in and assist him, if he would not allow him to be with me; to assist him with his food or try and induce him to make use of some of it. He has been down at exercise two or three days since. He was down, three days I think it was.

15,071. He exercises with you?—He exercises in the yard in which we do always, and I think ever since he has got up and gone down to us that he is improved somewhat. But what I wished to ask the Commissioners particularly was, to try to induce them, if possible, to have some arrangement made to be with me; either let him be discharged to prison. I would prefer that, for I do not wish to have anything to do with the hospital. I can have more control over him than anybody else. I know him better. I know him long. I would go out of my way; in fact, I can be responsible for him. I make an appeal to you on his behalf. I would not for myself, for he appeared to feel the consequences of this treatment. I consider it will certainly kill him. He is not a shadow of his former self: he is not a shadow of his former self, and from what I can see to be the disposition on the part of the authorities here, they are determined to drive him to an act of violence, so that they may beat him or crush him. I was very near forgetting that a few days ago Dr. Campbell told him to be got out of bed in any manner; told the officer Delain to pull him out of bed. The clothes were pulled off him; the bed was pulled from under him, and he lay a couple of hours on the floor of his bed. Only that the man is worn and wasted away by hunger, the thing might not have ended so easily for those who used him so.

15,072. You are aware, *Boeckx*, that the matter to which you refer is one which is connected with the arrangement of the prison, and belongs rather to those who are responsible for the discipline. Our inquiry is in reference to certain objects, and with arrangements made by Captain Harris, or the responsibility of the governor or director, we have no power to interfere. We will make inquiries into your present statement no doubt, as we are bound to do from the motives that actuate you. I observe that at the bottom of one page in your letter you refer to an assurance which we gave, that as far as we could we should provide that the submitting of evidence to the Commission by any prisoner should not in any way whatever prejudice the after treatment of the prisoner while in prison. Now, do you make that observation with any reference to the circumstances you have brought before us now?—I do, my lord, for this reason: it seemed to me a very pointed thing that somebody had 24 hours elapsed since you received the statements of my fellow-prisoners, *Mosses*, *Dillon* and *Roastree*, when this movement was made by cutting them into a punishment ward. That gave us, inasmuch as we were not told why they were removed; we felt that it was either done through spite by the prison authorities, or else by the order or suggestion of the Commissioners; and of course it was quite contrary to the promise made to us by you. You said that any statement we made would not prejudice our further treatment. This was certainly prejudicial to our treatment, because it took a man from the association of his friends, and left him 14 or 15 hours out of the 24 on change of treatment.

15,073. Without going into details, I can tell you that as regards those cells we are assured they are not looked upon as punishment cells, but separate hospital cells in which patients are placed for any particular reason connected with the arrangements of the prison.

We have already inquired into this matter, and I am authorized to tell you that it has nothing whatever to do with any evidence given by *Roastree*, *Dillon*, *Mosses*, or yourself, or any of those into whose cases we have been inquiring. It was for causes connected with the discipline of the prison, for which we are not responsible, and has nothing to do with any evidence that has been given before us?—I respectfully submit that I cannot, for the life of me, see how this matter comes peculiarly under the head of discipline. Certainly, the medical men of the Commission will see that this is not treatment that duty must be. If I were at liberty, and that I was perfectly willing to labour, perhaps in the discharge of some duty that I was required to do, it was incidental to my condition; yet would the Commission say I was right in being kept at liberty as satisfied to me if you found that it would endanger my life? If the Commission find that it would endanger the life of Colonel Barker by keeping him living as he is now, on five or six ounces a day, have they no power to interfere? It is not a matter of discipline I respectfully submit; it is even a matter of Christianity with you, whether this man is to be starved, for it certainly means killing him.

15,074. I wish to make it quite clear that the removal of those three prisoners was no act of the Commission, but acts with others. You quite understand that we have satisfied ourselves that it has no connexion whatsoever with their giving evidence before the Commission?—I quite understand. They may say to you, and I presume they have from the nature of your remarks, that these are not punishment cells. They might as well say, then, that that which is called "chokey"—the punishment cells part—are not punishment cells. This is a punishment ward. Dr. Campbell knows well if any man offends against him his doom is B. ward. If a man is known to be a murderer or a robber he goes in B. ward, certainly not into hospital. If he is a troublesome character with a suspicious character against him, he goes into B. ward too. If this B. ward is kept for this class, why are my friends sent there? They are guilty of no crime; they have broken none of the prison rules. This may be quite irrelevant I admit, but I enter into it for the purpose of showing you that the representation made to you that this is not a punishment ward, but an hospital ward, is not true. It is a punishment ward, whatever they call it.

15,075. You contend that it is a ward in which those inmates in hospital who misconduct themselves are placed?—I do.

15,076. We understand your view, and we shall consider this matter carefully.

15,077. (*Mr. Broadbent*.) You do not allege that anyone is sent to that ward who is not in hospital?—Certainly not. It is simply an hospital punishment ward.

15,078. (*Dr. Lyons*.) How long are you acquainted with Richard Barker?—I have known him for about eight years, sir.

15,079. Eight years?—Yes, sir.

15,080. Was he in sound mind before he came to prison?—Sound, vigorous mind, sir.

15,081. Did he ever exhibit any symptoms of going astray, or any peculiarity?—Never, sir.

15,082. (*Chairman*.) What was his line of life?—He is an engineer.

15,083. (*Dr. Lyons*.) When did you see him last?—I saw him yesterday.

15,084. You did not see him to-day?—No, sir.

15,085. What state was he in apparently when you saw him last?—Well, yesterday when he came down to exercise, in fact for the last three times he was down at exercise, his chief doctor was to be down; he wanted to be down generally. I could not get him to walk without great difficulty, but eventually managed to get on a bench. He was bleeding, and closed his eyes.

15,086. When did you first observe him giving signs of becoming peculiar?—When he was brought here from Chatham, on the 10th of December of last year.

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15,087. When you had seen him last before that time was he in a sound state of mind?—He was in a sound state of mind.

15,088. (Chancellor.) How long before was that?—I saw him in January 1867—just two years.

15,089. (Dr. Ligon.) Where did you see him then?—In Ireland and England both.

15,090. You did not see him afterwards until you saw him here?—No. I was taken prisoner in March 1867. I did not see him until I came here.

15,091. Then you saw him on the 10th of December 1869?—On the 10th of December 1869.

15,092. What did you observe about him then?—He was standing at the foot of the stairs here. I had not the slightest knowledge of his mind being affected. I merely noted that a political prisoner had come to prison. I looked at him, and I really did not know him, he was so changed. So I ran up to him, and I took him by the hand and said, "Bick, how are you?" He looked at me. I said, "Don't you know me?" He still kept looking at me. I said, "Don't you know me, Tom?" "Oh yes," said he, "I know you well; I am all right." I was awfully affected at the time. I did not know what the cause was of the matter. We went out into the yard. I spoke to Mr. Melchey and those others of the friends who were with him in the room. I asked what they thought of him. They told me they thought he was completely gone.

15,093. Meaning that his head was gone?—Meaning that his head was gone.

15,094. What next did you observe about him?—Well, I do not know that I noticed anything particular.

15,095. Were you in the habit of seeing him daily at the time?—Yes, nearly every day. Of course there were times that I could not see him for days, but I was in the habit of seeing him and meeting him every day.

15,096. Tell the Commission what you generally observed about him at that period, and what the principal peculiarities were?—I do not know that there are any peculiarities that I could observe. I believe he is about the same state now that he has been in. His recollection—his memory seems to be completely gone; facts gone; any facts that he should know. If anybody could make him remember, I could bring things to him that he ought to remember.

15,097. Have you tested him in that way?—Frequently.

15,098. (Mr. Brodrick.) Does he never talk of old times?—I never heard him except on one occasion. The other was when he saw his sister the last time.

15,099. (Dr. Ligon.) Did he recognise his sister?—He did. Yes: he said he knew it was Kate.

15,100. Did he seem to show any symptoms of gladness?—No, not at all. I said, "Don't you know who this is?" "Yes," said he; "it is Kate, Kate."

15,101. Were you present at the interview?—I was. He asked about an old friend of his and mine, Captain Pearson. He said, "How is everybody? how is Pearson?"

15,102. He said that to his sister?—Yes.

15,103. Did he mention any other names?—No.

15,104. Did he appreciate the answer with regard to Pearson?—No; he seemed to have lost it the instant after that, so Mrs. Barry was established who Pearson was. I tried to get him to go on about Pearson, but he would not.

15,105. Did you ever see him with any other friend or with Mrs. Barry except at that interview?—I did not.

15,106. What further have you observed about him besides this apparent indifference?—Sometimes he is rather cheerful, and sometimes very moody and very cross.

15,107. At the period you are now speaking of was he refusing his food?—I think not. I would not positively say, but I think he was making use of food then.

15,108. Did he show any disposition to violence at that period?—No, nor do I think he would under any circumstance show violence unless violence was used towards him. He is very quiet, and he is naturally

very playful. Previous to this unfortune occurred he was the most playful and jovial man I ever met.

15,109. Was he a well-instructed man?—He was a man of exceedingly good education. He is an accomplished engineer.

15,110. Do you mean a civil engineer?—I mean a military engineer.

15,111. What further have you noticed about him?—I do not know that I could fix on anything at all particular.

15,112. How does he occupy himself in the day?—He is in bed nearly all the time, I understand.

15,113. How was he occupied on the occasions on which you have seen him?—He lay down all the time he is allowed, and he has a peculiar mania for books.

15,114. Does he read them?—No; he will bring down four, five, perhaps half a dozen books. I have seen him go over all the cells, and bring a book from every ward, and put them under his bed, secrets them under his pillow, and after that passed look for his books.

15,115. Have you ever seen him read any of those books?—Not continuously. I have seen him read, and I have read for him and tried to get him to read.

15,116. Did he appear to take up the ideas?—I cannot say that he did.

15,117. Did he ask any questions in reference to your reading?—No, sir. He is a very excellent French scholar. I knew him to be very fond of French. I tried him by reading little French stories for him, but even that did not seem to take with him. I do not know during the whole of my close watching of him—I have watched him, God knows, very close—I never saw anything at all that would indicate the presence of memory except that thing about Mrs. Barry, when he asked, "How is everything, and how is Pearson?" but that seemed to have departed as quick as thought.

15,118. Does he recollect anything in reference to what occurred to-day or yesterday?—No, he does not.

15,119. Does he sleep well at night?—At the time that I was in the room he did not sleep very well.

15,120. Used he sleep during the day?—No, not at this time. I would not let him sleep; in fact I would pull him out of bed.

15,121. Could you get him to do whatever you wanted him to do very reasonably?—Well yes, almost anything. He got very suspicious of me at one time about medicine. He got some ideas into his head that I wanted to give him medicine, and this was very near destroying my influence over him, but fortunately it passed over.

15,122. Were you giving him medicine at the time?—Not at all. The very thought of medicine outrages him.

15,123. Why is that?—I cannot imagine.

15,124. Has he any idea that anybody poisoned him?—I do not know.

15,125. Has he ever spoken of it?—Never.

15,126. Has he ever stated that anybody gave him poison?—Never, never. The only thing that I heard in regard to that was what I heard from Mrs. Barry. She did not positively state—she would not be allowed to state—but she gave me to understand that there was a chance that he was unfairly dealt with.

15,127. It was anything that she knew about it?—Oh no, certainly not. It was something that happened in Chatham prison. How she came to hear it I cannot imagine.

15,128. You say that you have not observed any violence about him at any time?—I have never seen him at all exhibit any violence.

15,129. Why did you say a while ago that it might not have been so well for those who took the bad clothes away under other circumstances?—I feel that if he was of all like his former self in strength, from what I know of the man.

15,130. Was he a quick-tempered man?—Well, not exactly quick tempered. He was one of those men that would not allow himself to be put upon, as they call it.

15,151. Was he a man of strong will?—A man of strong will, strong mind, vigorous mind.

15,152. So far as you can judge, by your own common sense view, what do you think is the matter with him?—Well, I have not the slightest idea, unless I would say his mind was gone; his mind affected.

15,153. That his mind is gone?—Yes.

15,154. Do you mean that he is insane?—I should think so.

15,155. Have you seen many insane people?—Not many.

15,156. You have seen some?—I have seen some, Yes.

15,157. Does he seem to you to be getting worse, or is he better now than he was?—He is getting worse badly, much worse.

15,158. Mentally, what is his case?—Mentally I think he is possibly in the same way. I do not know that there is any material change in him mentally.

15,159. When you last saw him was he in the same way as the day when he was brought with you into the room?—You mean mentally?

15,160. Yes?—Oh, I think he was much in the same way. I do not think I could notice any material difference in his actions from time to time. He seems to me about the same.

15,161. Does he speak and matter to himself?—Yes, he does, sir.

15,162. Does he sing?—No, not now; he used to, when he first came here.

15,163. Does he whittle?—No.

15,164. Would he do foolish things, such as taking articles not food, or attempting to drink dirty water?—No, not at all; on the contrary he is very particular about what he puts into his mouth. He will look at it, and is very suspicious about everything. He will not put anything into his mouth until what he seems to have tested tolerably well.

15,165. You have not any apprehension of his committing any violence on himself?—No, I should not think so. Of course I do not know. I have not the slightest idea as to what a man in his condition might do, because I do not know anything about his case, but from what I know of the man. It may be absurd of me to form an opinion of him in his present condition from what I know of him on the point. I know, perhaps, as much of him as one man could know of another. I do not think there is any possibility of his doing anything like that.

15,166. Is Richard Burke his real name?—Richard O'Sullivan Burke.

15,167. Could you say where he was born?—He was born in Cork.

15,168. Are you quite sure of that?—Well, I am not sure. I know his brother was born in Cork. I do not know whether he was or not.

15,169. Did you ever hear that he was born in New York?—I do not think I ever heard where he was born, and I do not know really if you ask me. I do not know how I received that belief.

15,170. You say that you know him pretty well eight years?—I know him very well eight years.

15,171. Do you know any members of his family?—I know two brothers of his.

15,172. What was his father?—I did not know the father.

15,173. Did you ever hear anything about any other member of his family?—I did not.

15,174. Did you ever hear whether there was any tendency to insanity or alienation?—Never.

15,175. (Chairman.) What sort are the two brothers. Are they sound-headed men?—Very sound, my lord.

15,176. (Dr. Lyons.) Has he but one sister?—He has two or three sisters.

15,177. There is not any peculiarity or mental alienation at any side of the family?—No. I know two brothers and one sister intimately. I know of two others, and both his brothers that I know are very able men both of them.

15,178. Have you any idea whether in America or elsewhere Richard Burke was ever subjected to any

great or unexpected shock?—I have not. No; not in the time that I have known him. I do not think he has been.

15,179. Did you ever hear that in the course of the war, or any adventure in America, he was subjected to either a great mental or violent physical shock?—No; he was not, through the war at least. I can vouch for that.

15,180. Are you aware whether he was ever severely wounded?—I do not think he was wounded at all.

15,181. Have you heard that he was struck on the head by a bullet or spent ball?—He was not. He was not wounded at all.

15,182. Do you know whether he was in any action?—He was chief in a party with the engineer force, commanding the fire of works in front of the Poona, so that he was not in any engagement.

15,183. Which army was he with?—The Federal army.

15,184. (Mr. Broadbent.) Have you ever observed in him any trace of a delusion on any subject?—None, except his food. He seems to have some settled delusion about his food. The very name of a doctor angers him. Talk of a doctor and he immediately loses temper and will curse and swear, and medicine he will have nothing to do with.

15,185. You have not observed that he has any fixed impression on his mind which is entirely false; as, for instance, that he is standing on his head instead of his feet?—Never.

15,186. Since he first came here I think he was taken to Millbank?—Yes.

15,187. And remained there two months?—Yes.

15,188. Could you compare his state when he left this prison for Millbank with his state when he returned?—He was very much worse-looking when he came back; infinitely worse.

15,189. But you did not observe any change in his mind?—It did not strike me that there was.

15,190. Have you ever heard him complain of ill-treatment?—Never. I never heard him say that he was ill-treated by the officers.

15,191. When you speak of his having been ill-treated, do you refer to his being separated from his friends?—I certainly do. Yes.

15,192. Is there any other respect in which you can state that he has been ill-treated?—I think that is primary; that is the basis of his ill-treatment, and that in itself leads to all other ill-treatment. If he was not separated from his friends, a great many effects that would otherwise be avoided must now necessarily ensue. May be, if they use violence with him, he may be violent in return. I believe and know and my experience tells me that these men here would be only too glad to lay open his skull with their staffs; it has been done so frequently on the men here.

15,193. Has it been done within your knowledge?—I have heard screaming and seen the blood.

15,194. (Chairman.) Can you give the dates?—The dates I cannot give you.

15,195. We cannot inquire unless you do?—I understand, sir; but you will bear in mind that this has been done, not once or twice, but from month to month. I could not shut my eyes and ears to it. I merely mention it now because I know what might result.

15,196. We are quite ready to inquire into any such allegation if you give the date and name and time and place?—I do not pretend to give you these, sir.

15,197. (Dr. Lyons.) Can you name any one prisoner that to your knowledge was struck?—Well, there is one poor imbecile here.

15,198. (Chairman.) Is it Daly?—Yes, he is one; but there are many others.

15,199. (Dr. Greenham.) Can you mention any others?—I cannot.

15,200. (Mr. Broadbent.) Do I understand that you never witnessed any blows being struck, but that you inferred they must have been struck from hearing cries?—I inferred they must have been struck from

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hearing cries, and noises like the stroke of a staff. I am locked in my cell; I cannot say what they do inside other cells.

15,181. (*Mr. De Vere*.) Did Richard Burke ever make any allusion to any of the interviews he had had with this Commission?—Not a word, sir. I was speaking to him the other day, and I unfortunately mentioned Dr. Lyons and Dr. Greenhow when I mentioned the names of the Commissioners to him, and he immediately fired up at the mention of the doctors. If I had spoken of the other members of the Commission I might have got him to say something more; but he fired up at the mention of the doctors. But he has never spoken of it. I have tried him since, bearing the doctors out, without any result, in fact with no appearance of memory on his part.

15,182. Have you ever tried him with writing materials?—I have.

15,183. What was the result?—He was writing a great row here about a letter that he was entitled to, and he claims to know the tricks better than any living man; that he knows his rights better than anybody else. He claimed to be entitled to a letter sheet once that he wanted to write.

15,184. (*Chairman*.) How long ago is that?—This I suppose would be in December. Let me see, it would be, perhaps, last April. I cannot be positive as to those dates. The authorities here can give you the date of supplying him with a letter sheet.

15,185. (*Mr. De Vere*.) That was at the time that he has been in the same state of mind as now?—Yes.

15,186. What was the result?—He got this sheet of paper. It was lying about for nearly a couple of months. He would make no use of it. He would write "Kate" on it; and he would write, "I shall," "no, I won't."

15,187. (*Dr. Lyons*.) Is that paper in existence?—I do not know, I am sure. I used to say to him, "You are better; sit down and write a letter to Kate, and we will tell her news." He would sit down and nap off in a moment. The only attempt I saw him make to write was on that occasion. "Yes," he would say, "we will write to Kate." Then he would write "Kate," and he would go; then he would say he would go out or not about the books.

15,188. Did he commence the letter in the usual way, as "My dear Kate"?—No; he simply wrote "Kate."

15,189. He put down "Kate" on the paper?—Yes; he put "Kate" down on the paper, just as though he took the word from me. I said, "We will write to Kate," and he seemed quite happy, and he wrote "Kate" on the paper, "I shall," or "I will," or something of that kind.

15,190. Did he receive any letters?—He did receive two letters since he came here.

15,191. Did he read them?—He gave them both to me. I have both those letters.

15,192. Did you read them for him?—I did.

15,193. Did he seem to understand all that was in them?—I cannot say he did. He seemed to understand all about Kate and about a niece of his, that is a daughter of Mrs. Barry, his sister Kate, that I spoke of.

15,194. Did he make any comments to you on the subject of the letter?—No, no; he made no comments on the letter. I would surround the letter with certain circumstances that I thought would be certain to catch

him, and bring in certain facts that I thought would get his mind in that train of thinking or on this particular point; and I do not think I could say that I ever succeeded in getting him to give his memory on any of those letters.

15,195. (*Mr. De Vere*.) Does he in any degree observe his religious duties or exercises?—He will kneel down with you. He will kneel down with me. That is, when we go to prayers he will go in with us and kneel down. He would kneel down and he would stay kneeling down as long as we do, and get up when we do.

15,196. (*Dr. Lyons*.) Does he bless himself?—Yes, he blesses himself.

15,197. (*Mr. De Vere*.) Does he have any interviews with the priest?—Yes.

15,198. Does he ever express a wish to see him?—I do not think he did.

15,199. Does he attend to personal cleanliness?—I understood not, as far as washing his face is concerned. I understood they cannot get him to wash his face; he does sometimes I believe, but they have some difficulty in getting him to do so.

15,200. I believe he has been generally remarkable for his obedience to prison discipline?—I should think he would be from what I know of him. I should think he would most willingly obey the discipline of the prison.

15,201. I understand that your present object in appearing before the Commission was to state that you are very anxious for the state of your friend, and you desire that he should be allowed to be in association with you?—Yes, if possible, as there is nobody who can comfort himself to his service day and night like me. I thank God my health is tolerably good; at least it was so in association with my friends, who can manage him as before, because they could induce him to take some food.

15,202. (*Chairman*.) Were those three men who were with him before friends of his?—Most certainly.

15,203. (*Dr. Lyons*.) Have they as much influence over him as you have?—Not at all, but still you see the great injury done him by taking him away from his friends was this; if he would not take his own food, if three dinners were laid on the table, if he did not take his own dinner he would take a part of mine or a part of yours, or a part of somebody else's. Possibly he would not take his own at all. That was all right if he had his friends. I would say, "Rich, here is a plate of so-and-so; help me to some of that." "Yes," he would say, "we will devour it." Perhaps the piece we might be going to cut, he would take a notion that he would like to have it, and he would eat it.

15,204. (*Mr. De Vere*.) You are locked up in a separate cell?—I am locked up in F. ward, not a separate cell—in a dormitory, a four-bedded cell.

15,205. Who are your companions there?—Two political prisoners and myself.

15,206. (*Chairman*.) We will bear this in mind and give it every consideration?—But you will give the matter every consideration?

15,207. We will?—I do not allow that any change in the line of discipline affects it more than discipline to serve. The life of this man is really at stake. I think that the Commissioners will have done much if they preserve it.

15,208. We will do what we can. We will not forget it?—Thank you.

The prisoner withdrew.

Captain HARRIS recalled.

15,209. (*Chairman*.) I am instructed to state to you, Captain Harris, that we have, as you know, for you received it, a letter from Thomas Burke. I do not know whether you read it or not?—No.

15,210. It refers to the case of Richard Burke, and we have examined Thomas Burke at considerable length on the subject of this memorial. We have no wish at right to interfere with the arrangements of the prison for which you are responsible, but we thought

ourselves justified in passing this resolution:—"That having regard to the circumstances of Richard Burke's case and present position, the Commissioners think it right to represent to the Governor, that the evidence which they have taken, combined with their own observation, leads them to submit for his consideration whether some arrangement cannot be advantageously made, consistent with prison discipline, under which Richard Burke may be associated

"with some of those with whom he is friendly or have influence with him." We wish to put that into your hands?—May I ask a question?

15,211. Yes?—I should wish to ask whether the Commission considers it necessary that more than one man should be so associated with Richard Burke?

15,212. Well, I can say this, that the evidence leads me to the conclusion, that he is better off, and his mental and physical state more likely to be promoted, when associated with one or more of his friends—(No reply.)

15,213. (Dr. Greenhow.) We only submit it for your consideration. We do not instruct you at all?—A suggestion made by the Commission.

15,214. (Mr. Brodick.) Thomas Burke points very suggestively to the fact that Richard Burke can be more easily induced to take food, and is far more likely, I will not say to recover, but not to sink into a lower depth of mental degradation, if he is under the influence of some of his friends?—Just so.

15,215. (Dr. Lyons.) I think you stated that you yourself thought he was more favorably influenced by Thomas Burke?—I did. The only difficulty is, what I mentioned before, that one man is in hospital and the other not, but I do not see any great difficulty in that matter.

15,216. (Chairman.) We put that resolution into your hands?—I shall take care that it is forwarded. May I be allowed to read from the general rules of the prison?

The witness withdrew.

Dr. CAMPBELL recalled.

15,224. (Chairman.) Dr. Campbell, do you produce the directions to the officers of the hospital?—Yes, my lord.

15,225. When were they drawn up?—Some years ago.

15,226. By yourself?—By myself.

15,227. Is a copy of these given to every officer?—No; we have got a copy in the surgery, and there is a copy here.

15,228. You have no doubt that they are well known to every officer?—Oh, yes.

15,229. (Mr. Brodick.) Do you lend this copy in for the use of the Commission?—Yes. You questioned me about the routine of the hospital, and I thought you might wish for that.

15,230. (Dr. Greenhow.) What state of health is Mulvihy in?—I think he is in very good health at present. He is in hospital because he complains of the prison diet.

15,231. Has he shown any symptoms of chest disease since he has been here?—No, nothing of any consequence.

15,232. Does he suffer from cough?—No.

15,233. Has his chest been examined?—Several times, but not lately.

15,234. With what result?—We found the chest very sound on all occasions when I have examined him.

15,235. You found no evidence whatever of phthisis?—No evidence whatever.

15,236. Has he lost flesh considerably?—He has not. I am not sure what his weight is at the present time. He has not lost to any considerable extent.

15,237. Are you aware that he suffered from hæmoptoe?—Never here.

15,238. He has never had hæmoptoe here?—Never; he has never shown any traces of it here.

15,239. Then you are quite satisfied that he is not at this moment phthisical?—I do not consider him phthisical.

15,240. He has not been under your care for any disease which leads you to suspect it at all?—No. I have got Dr. Wilson's certificate which was sent up to London referring to that man. You might wish to see it.

15,241. (Chairman.) If you please. Will you read Dr. Wilson's certificate?—25th May 1859. This is

30228.—H.

15,217. Yes?—Rule 3 of the general rules for officers states that, "No officer or servant shall strike a prisoner unless compelled to do so in self-defence."

15,218. That is a standing rule?—That is a standing rule.

15,219. And with that rule every officer is made acquainted on admission into the service?—Yes; they are perfectly well known.

15,220. (Dr. Lyons.) Is there anything in those rules to show what punishment an officer would incur who had exceeded that rule?—There is not; there is no special punishment laid down for the officers, but it is perfectly well known that he would incur very severe punishment by any deviation from that rule.

15,221. (Chairman.) Do you recollect any instance in which an officer has been punished for violence to a prisoner?—I do not. They have been severely reprimanded for undue force.

15,222. Is that within your knowledge?—Within my own knowledge; but I know of no instance where an officer struck a prisoner without very great provocation.

15,223. You know of no instance in which, after due inquiry, the officer has been punished?—No. I may add that in all remarks of men to the punishment cells, the assistance of one or more officers is asked for. Therefore ample proof might be obtained in case of undue violence being used.

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Dr. Campbell.

"to certify that prisoner D. D. Mulvihy was received at Brixton Prison on May the 11th, 1867, for hæmoptoe; that he was carefully examined on reception, and no symptoms of phthisis detected; that he has been occasionally in hospital for trivial ailments, and that he was last admitted on June the 13th, 1869, for the swollen face and œdemata. He has remained in hospital ever since, complaining of slight dyspeptic symptoms at times, but I have no hesitation in certifying him to be a strong able-bodied man in good condition and increased in weight since reception."

15,242. When did you see him?—On the 11th of May 1867. This certificate was sent up by Dr. Wilson when he was acting during my absence.

15,243. (Dr. Greenhow.) Is his weight specified here?—It is not specified here.

15,244. (Dr. Lyons.) How was that certificate called for?—I suppose it was called for by the authorities in London.

15,245. I find that in an entry here a record is made of his state, and that there is reported after stethoscope examination, "A slight waving expiration." Was that the result of your examination?—I am not aware.

15,246. I will read the whole passage:—"He had two attacks of hæmoptoe; the first about six weeks ago; the second a fortnight ago, after a fit of laughing. The perspiration more on both sides is perfectly normal; the respiration is also normal on both sides; with the exception of a slight wheezing expiration is not prolonged; vocal resonance quiet; healthy; no symptoms to indicate tubercular degeneration in either lung; the weakness on expiration indicates a tendency to phthisis; no hereditary tendency; heart sounds quite healthy?"—These are remarks made by Dr. Wilson.

15,247. He was then put on coal-oil at all?—Yes.

15,248. He was ordered various quinine was also administered to him?—Yes, and he was put on purgative diet.

15,249. He has complained, I believe, of pain in the shoulder and in the collar bone on one or two occasions?—Yes.

15,250. Do you consider from this entry that he had a tendency to tubercular development at the time of his coming here?—He having been sent here for hæmoptoe I suppose made us more guarded and

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led us to suspect something wrong with the chest, but further experience led us to take an opposite view.

15,251. When did you examine him lately that you can remember distinctly what condition he was in?—I have not examined him for some time.

15,252. Do you concur in the statement in that report that you have just read to us, that he was just then an able-bodied man?—I did not consider him an able-bodied man.

15,253. Do those words occur in the report?—In Dr. Wilson's certificate?

15,254. Yes,—I was away at the time. I was not here at the time.

15,255. Do the words occur in the report?—Yes; a "strong able-bodied man in good condition, and increased in weight;" and some time after, on the 5th of July, I discharged him from the hospital for work.

15,256. Do you concur in that report that he was then an able-bodied man?—Oh yes.

15,257. Without any qualification?—Without any qualification, I do.

15,258. Do you think that all danger of his running into phthisis had then disappeared, or has some absolutely disappeared?—Yes; I do not see any reason to apprehend it at the present time, nor at the time he came here.

15,259. Would you say that he is a man with any liability to phthisical development?—No, he does not complain of cough or show phthisical symptoms.

15,260. Has he lost weight, or not?—I do not know what his weight is at present; but it was 11 stone 54 lbs. when he was received in May 1867. On the 10th of June 1867, he weighed 11 stone 10 lbs. On the 1st September, 11 stone 9 lbs.; on the 27th of January 1869, he weighed 10 stone 12 lbs.; February 1870, 10 stone 12½ lbs.; the 16th of May 1870, 11 stone 1½ lbs. He has lost a little, but not to any extent.

15,261. Has he not been a considerable time in hospital at various periods?—Yes, but there was very little occasion for it. It was principally on account of his diet.

15,262. Is it that he could not converse the ordinary diet?—He complained that he had no appetite for his food, and on that account I admitted him to hospital to give him a change.

15,263. Is not loss of appetite a symptom of the prothuberous stage of phthisis?—It is one of the symptoms.

15,264. Taking that into account with the hæmoptoe reported on two occasions here, do you still think the man quite free from the danger of running into phthisis?—I think if it had been a case of decided phthisis we might have expected an attack of hæmoptoe during the time he was here, but he has not shown the slightest trace of it, nor cough.

15,265. My question is, taking into account the loss of appetite, which is, as we all know, often a prominent symptom in the prothuberous stage, and coupling it with the fact of hæmoptoe, do you still adhere to the opinion that the man is still free from all risk of running into consumption now or at some future time?—At the present time I see no reason to apprehend it. I do not think loss of appetite itself sufficient to call him consumptive.

15,266. But coupling it with the fact that he had hæmoptoe two or three times previously, do you still adhere to the opinion that there is no risk of his being developed?—No; I have no reason to be at all uneasy about him.

15,267. (Dr. Greenhalgh.) What state of health is Power in, Dr. Campbell?—Power remains almost stationary. He recovered after he came here, and I do not see that he is deteriorated in any way. He goes down, takes his food well, retains nothing, takes regular exercise.

15,268. He has manifested no signs of phthisis?—None whatever.

15,269. Has not suffered from cough since he came here?—No, sir.

15,270. (Mr. Bradrick.) Has he gained largely in flesh?—He has gained in flesh. When he came here

first he had gained 20 lbs. He gained 5 lbs. more after being here for a time.

15,271. (Dr. Lyons.) Power came here with a report of incipient phthisis?—Yes.

15,272. Have you examined him from time to time since he came here?—Yes.

15,273. Have you observed anything confirming that report?—Nothing at all, sir.

15,274. Have you recently examined him?—Not recently. He has not made any complaint lately.

15,275. Has he complained of cough?—No.

15,276. Has he complained of difficulty of breathing?—No.

15,277. Or of sweating at night?—Nothing so indicates it. He has been steadily improving in weight since he came here.

15,278. Does he take all his food?—He takes all his food.

15,279. Has he always done so?—He has always done so, and retained very little.

15,280. What is your present opinion, Dr. Campbell, of the state of Richard Burke?—It is the opinion that I have had all along, that the man is of unsound mind.

15,281. Since we spoke to you last on the subject have you observed anything new in regard to him that you would wish to report?—No, nothing new. The man behaves much in the same way, occasionally refusing his food for days, or the greater part of the day, and persisting in lying in bed; very obstinate and excitable.

15,282. Is he often excited?—He is excited if you try to get him out of bed or to take food; then he becomes excited.

15,283. What is your prognosis in his case; is it favourable or unfavourable in general terms?—Well, I think it is favourable on the whole.

15,284. Favourable?—I do not look on it as a very serious case. It has not at all been a satisfactory case. I have been of opinion all along that the man's mind is unsound, but he had no decided illusions that I any call it a case of insanity.

15,285. What do you think favourably about him?—It is so far favourable that he does not appear to be getting worse. He seems to be stationary.

15,286. Having regard to all the conditions in which he is placed, and his history, as far as you are acquainted with him, do you think that in this prison there are reasonable means to give him the best chance of recovery?—Well, I do not think this altogether suitable for him. I would sooner have him removed. I wrote to London the other day when he refused his food again.

15,287. Was that since our visit?—Since your visit.

15,288. Did you make any recommendation?—I recommended that he be sent to London for the object of opinion, as his case was very peculiar. It was on the 5th of August.

15,289. Would you be kind enough to read that letter?

15,290. (Chairman.) Was it a confidential communication to the directors?—Well, it was.

15,291. (Dr. Lyons.) Do you see any objection to read it?—It is perhaps better to get it from the directors, if you have no objection. My object was principally to show them the man was weak from abstaining from food. I did not wish to keep the directors in the dark. I may mention that since I wrote this letter the man has taken a favourable change again. He got up and went out for exercise.

15,292. (Chairman.) You will have no objection to give us a copy of that letter, with the understanding that it is not made public?—Oh, no.

15,293. (Dr. Greenhalgh.) Has he been taking his food again?—He has.

15,294. (Mr. Bradrick.) It has been stated that the bed was taken from under Richard Burke a few days ago by your orders. What is the fact with regard to it?—Has he been in any way turned out of bed?—I told the officer to try and get him out of bed; but it is the first time I ever heard of the bed being taken from under him. I never heard of it before. I sent for

Thomas Bourke the other day to try and prevail on him to take food, and as he was leaving he tried to blame the separation from his friends as the cause of his present state; but Richard Burke has been in the same state when he was there, so that no change had taken place. He refused his food when they were there the same as after; and this Thomas Bourke left him of his own accord, and asked to be discharged into the prison.

15,285. Was he associated with him in the same dormitory?—For some time; but after a time he asked me to discharge him, and said he wished to go into the prison, and I discharged him; but after he left Richard Burke went out to exercise and met him.

15,286. Is it your impression that Richard Burke is in a better state of mind when any of his friends are with him than when other prisoners are associated with him?—I do not see any change. I have a report from the officer.

15,287. (Chairman.) Of what date?—It was the other day, my lord. If you would wish to see the

The witness withdraws.

Mr. HENRY FRANCIS ASKEW examined.

15,288. (Dr. Greenwood.) What are your medical qualifications?—Member of the College of Surgeons.

15,289. Anything else?—Nothing else.

15,290. You were surgeon at Dartmoor Prison?—Yes, I was.

15,291. When did you leave Dartmoor?—I left in April last.

15,292. How long were you full surgeon there?—I was there five years within a month or two.

15,293. Several of the treason-felony prisoners were there while you were surgeon there?—They were.

15,294. Do you recollect one of them named Moleley?—I do.

15,295. What state was he in at Dartmoor?—On reception his health was very good, I may say; very fair moderate health.

15,296. Then did his health undergo any change after that?—Yes; he was in hospital on three occasions.

15,297. For what ailments?—I suppose I may refer to documents.

15,298. Yes, certainly?—I wrote to Dartmoor to get notes of his case, and these are chiefly copies of his admission to hospital. He was admitted on the first occasion on the 30th of February 1867.

15,299. For what?—For stitches of the leg.

15,300. How long was he in hospital on that occasion?—He was in ten days on that occasion.

15,301. Did that affect his general health?—Not in the least.

15,302. When was he in hospital again?—He was next admitted on the 2nd of April.

15,303. For what complaint?—For an attack of diarrhoea.

15,304. How long was he in hospital at that time?—Eighteen days.

15,305. Did he leave the hospital quite well?—Yes.

15,306. Had he lost flesh during that attack?—Well, not to any important amount. Of course from an attack of diarrhoea he must be naturally weakened to a slight extent.

15,307. When was he in hospital again?—On the 24th of the same month.

15,308. For what complaint?—For an attack of hæmoptysis.

15,309. Did you see him on that occasion?—I did.

15,310. Do you know of your own knowledge that he had hæmoptysis?—Yes.

15,311. Did you make any examination of the chest?—Yes, I did.

15,312. What did you find?—I found that there were the usual signs. I believe that it arose from a slight attack at the time of bronchitis. That was the opinion, I think, of the then assistant-surgeon. The

officer that was in charge of him, Mr. Love, he is here. The report is:—"Sir,—The treason-felony prisoner Burke "returns the principal part of the food, the same as "when his fellow-prisoners were with him, and on "several occasions when they tried to persuade him to "eat he would fly into a passion, and swear, and tell "them to mind their own business. Also, he would "lie in bed for days, and not get up to go down to "exercise with his fellow-prisoners." So that he was just in the same state when they were there.

15,313. (Mr. Dr. Fove.) What way was your order about getting him out of bed carried out?—I was told that he had got up, but I cannot imagine that the officers would pull the bed from under him, or use harshness in any possible way.

15,314. It was stated to me that the bed was pulled from under him, and that he was left to lie on the iron couple of hours?—I have always seen those about him showing the greatest kindness. This man, McCoy, is very attentive, and there is another man named Montague who is very kind. I have never seen any disposition to be at all unkind to him.

15,315. Was the hæmoptysis very slight; it was a mere trace of blood in the sputa.

15,316. You saw the sputa yourself?—I did.

15,317. Was the blood a mere streak of blood, or was it mixed intimately with the sputum?—Well, it did not amount to being intimately mixed; it was mere streaks of blood.

15,318. And to a small extent?—Very slight extent.

15,319. What were the physical signs which you found on examining his chest?—At this distance of time, and in the absence of the ordinary notes of the case, I can scarcely trust my memory.

15,320. Did you take notes of his case on ordinary case paper?—The notes were taken down on ordinary case paper in the usual way.

15,321. Would that paper contain notes of what you found on extending his chest?—At this distance of time, and in the absence of the ordinary notes of the case, I can scarcely trust my memory.

15,322. Did you take notes of his case on ordinary case paper in the usual way?

15,323. Would that paper contain notes of what you found on extending his chest?—At this distance of time, and in the absence of the ordinary notes of the case, I can scarcely trust my memory.

15,324. Did you consider that he was phthisical at the time?—No, I did not.

15,325. Did you send on a report with him from Dartmoor when he was sent here?—I sent on the usual paper. I forget whether it would be in a special report, signed.

15,326. Did you recommend his being sent to Woking?—I did.

15,327. On what ground?—Knowing that Dartmoor is an unsuitable climate for cases of hæmoptysis or anything tending to it, I recommended his removal here, thinking it was a more suitable place for him. At the same time I did not at all think it necessary, because the case was not of sufficient extent. Knowing him to be a treason-felony prisoner I showed a little more kindness and attention to him. If he had been an ordinary prisoner I should not have sent him, under the circumstances of the case, to Woking.

15,328. Do I understand you correctly to say that as far as your treatment of the treason-felony prisoners was concerned you treated them exceptionally well?—I think so.

15,329. Had you instructions to do so?—Not at that time, because this was in the early stage of their imprisonment. I think that at that time we had received no definite instructions.

15,330. Have you received any such instructions since?—No; I have no recollection of having received any special instruction. I might have had a kind of understanding that such was to be the case, but I do not think I had any definite instructions. Yet it was

Dr. Campbell,

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the general wish of the governor that every kindness should be shown them.

15,333. I understand you to say that Mulensky had no signs of phthisis while he was under your care at Dartmoor?—Certainly not. The assistant-surgeon, who has left the service since; he was a very good ophthalmologist too. His opinion I perfectly remember was that there was not a trace of it. It was the signs of hæmoptysis, not of phthisis, that I found. Hæmoptysis may be a sign of phthisis, one of the signs of pneumonia—not an absolute sign; it may be one of the accompanying symptoms.

15,340. (*Mr. Bradish.*) Did Mulensky complain to you of having at that time, been put to labour that was too severe for him?—It is very possible he may have done so, for it is a very usual thing for prisoners to do that.

15,341. You have no recollection that he traced the hæmoptysis to having been made to strain himself?—No, I do not think so; but I am quite sure he has not been to any work that would do so. I am quite sure of that. I know the work very well at Dartmoor. It is my custom to go out and see the work done, and see every work that was performed. It was my custom to go and see the convicts at work; to try the work myself, all weights they were lifting, and every way thoroughly test their capabilities.

15,342. Are you able to state whether Mulensky did, as alleged, carry heavy stones on his back?—The stones they carry there were not heavier than a man could carry with ease. It was not at all hard labour to carry them.

15,343. You think he may have carried such stones on his back?—With ease.

15,344. (*Dr. Greenwood.*) Did you consider Mulensky quite fit for hard labour?—Quite fit for the labour he was put to there. It was more as a precautionary matter that I removed him from Dartmoor.

15,345. (*Dr. Lyons.*) Did you ever see him carry a stone?—No, I did not; very probably he would.

15,346. Is there any measure or any weight specified for the stones that a man may be told to carry?—No, I do not suppose there is; it would be in the discretion of the officer in charge; if a man cannot carry it they are at liberty to get another man to help them.

15,347. Do they carry them on the back?—No, they are in handcarrows.

15,348. Are they supposed to carry stones on the back?—They do not carry them on the back.

15,349. Are you quite sure of that?—They carry them in barrows; they have two men to a barrow.

15,350. Are you quite sure that a man may not be directed to carry them on his back?—I am quite sure.

15,351. Are you quite sure?—I feel quite convinced as far as my own knowledge goes.

15,352. But could your own knowledge of the matter be so extensive as to exclude the possibility of its being really done?—No, I won't say so far as that.

15,353. We have it in evidence that you have been directed to carry stones on their backs?—That you have in evidence?

15,354. Yes?—Then of course, in the face of your having received evidence to that effect, I should certainly—

15,355. (*Chairman.*) It was not under your observation?—No.

15,356. (*Dr. Lyons.*) It would not be a part of your duty to observe such things?—It would not be part, but if I saw such a thing as that I should feel it my duty to interfere; because I should not think it a proper thing for a man to do.

15,357. Do I understand you to say that this man suffered from hæmoptysis?—You could hardly call it hæmoptysis; it was more a præmonitory symptom; it never was more than a few streaks or appearances of blood. It was put down hæmoptysis at the time, but he was only ten days in hospital.

15,358. It might have been præmonitory of a more serious state of hæmoptysis?—Well, we see that sometimes in cases, as a præmonitory symptom. I forget how long he was there after the attack of hæmoptysis ceased.

15,359. Could you say whether after the hæmoptysis he was put to hard labour?—I think he must have been passed directly afterwards almost.

15,360. On the 8th of February he was sent there, and he was sent to Woking on the 11th of May?—But he was removed directly from the hospital, sir. Oh, here it is:—"Removed to Woking May the 10th," on the recommendation of the medical officer, in "consequence of his condition for this climate."

15,361. Had he more than one attack of hæmoptysis under your observation?—No.

15,362. I suppose you are aware that he had hæmoptysis according to the record sent with him?—I have not got a copy; I really forget.

15,363. Would it be reported to you?—It would be, if he had hæmoptysis before it would be reported on his admission.

15,364. When you speak of hæmoptysis occurring in connexion with bronchitis, do you think it often occurs in connexion with bronchitis?—No, sir, not often. We have had but very little acute bronchitis there; it is generally chronic.

15,365. Having regard to the general physical condition of this man, and the occurrence of hæmoptysis, had you any anticipation that it might be the result of tubercular tendency?—No, sir.

15,366. Why not?—His health was generally good. He had none of the constitutional symptoms of tubercle, or anything of that kind. He had no symptoms of it. The disease on his lung was, as far as I recollect, from the friction of his boot.

15,367. What was the impression on your mind that led to your recommending his being sent from Dartmoor to Woking?—The temperature. The climate is very unsuited for cases of hæmoptysis. The very highly oxygenated state of the atmosphere there is conducive to hæmoptysis, and there is a good deal of hæmoptysis there in certain states of the weather. Knowing him to be one of the treason-felony prisoners—I generally feel desirous that these men should be treated with every consideration and kindness—I thought it better to remove him here to a milder climate.

15,368. As he had hæmoptysis on former occasions was Dartmoor a suitable climate to send him to?—The medical officer who sent him there may not have known of the peculiarity of the place.

15,369. Do you remember him personally?—Oh, yes, I remember him well. He was always very grateful indeed to me for my treatment of him there, and behaved as a very good prisoner indeed.

15,370. (*Dr. Greenwood.*) Do you remember Patrick Lenson, another of the treason-felony prisoners?—I remember him by name, sir; but I scarcely can recollect him. I do not think I can recollect him personally.

15,371. Have you any entry that would enable you to recollect his case?—I have not, sir.

15,372. (*Dr. Lyons.*) You do not remember anything personally about Lenson?—I know there was a man of the name of Lenson; but specially about his case I do not recollect. I do not remember what affection he was received for.

15,373. You do not remember his case?—No, I do not recollect.

15,374. Has your opinion with regard to the unsuitability of Dartmoor for cases of hæmoptysis been made known to the department?—Oh, yes, in my annual report. I forget whether it was in my annual report or in one of my monthly reports. I know it has been mentioned. Dartmoor is considered to be a very good place for phthisis or strenuous cases, but in cases of hæmoptysis, or more acute kinds of disease, it is considered unsuitable.

15,375. Do you concur in the opinion that it is a good place for phthisical cases?—I do, sir, I have

seek most improvement there in tubercular phthisis and strumous abscess; with the exception of rheumatism and acute bronchitis.

The witness withdrew.

RICHARD DUBOIN examined.

15,377. (Chairman.) Are you infirmly weaker in this prison?—Yes, sir.

15,378. Are you in charge of the room in which Richard Barke is?—Yes, sir.

15,379. Were you cognizant of the fact that his bed remained unmade for a certain time?—I received an order, sir, that day from Dr. Campbell to try and get him up for the object of his health, and to try and do so. He sat up in the bed, and he said, "No, I will not get up." In the meantime he reared himself up, pulled the bedding out with his other hand out on the floor.

15,380. By "bed" you mean a mattress?—Yes, sir, a mattress; there it is on the floor and lay down on the bed-iron.

15,381. That was a voluntary act?—Voluntary, quite, sir. Then I persuaded him.

15,382. What do you think of the man?—I think he is insane, sir.

15,383. You think he is insane?—Yes, sir; I never had the slightest doubt of it.

15,384. You do not think he affects it?—No, sir.

15,385. (Mr. Brodrick.) Do you notice him at night?—I have never been on duty at night, sir.

15,386. (Dr. Ligon.) How does he show symptoms of being insane?—He is always one way mostly. He would not take his food nor get up to go to exercise.

The witness withdrew.

After visiting Richard Barke, who was taking food in bed, the Commission adjourned.

Pentonville Prison, Monday, 15th August 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. G. C. BRODRICK.
STEPHEN E. DE VRIES, Esq.

DR. LIGON.
DR. GREENHOW.

W. SPENCER OLLIVANT, Esq., Secretary.

MR. JOHN C. A. LEWIS examined.

15,394. (Chairman.) You see the governor of this prison, Mr. Lewis?—Yes, my lord.

15,395. How long have you been governor here?—Since December 1864.

15,396. You held that office therefore when in the course of 1865 and 1866 the treason-felony prisoners were brought over from Ireland?—Yes, my lord.

15,397. Remember, whose papers I have now before me, was one of those who was brought here I see in February '68?—If you allow me to refer—

15,398. The date does not signify?—It was about that time, but I can tell the time positively by referring. It is so long since that I cannot speak without referring to some note I made on the subject.

15,399. Perhaps you may as well get your notes, if you please?—I have here simply a list of the treason-felony prisoners and the dates of their reception.

15,400. When was Rossetree received?—Rossetree was received on the 10th of February 1866.

15,401. And how many other treason-felony prisoners were received at the same time?—With him 12 others.

15,402. (Dr. Ligon.) Thirteen in all?—Thirteen in all.

15,403. (Chairman.) Was Dillon one of them?—Dillon was not received at the time.

15,404. (Mr. Brodrick.) Was he not received before?—He was received on the 16th of January 1866.

15,405. (Chairman.) Rossetree tells us that he arrived here about 7 o'clock in the evening?—That is about the time of the arrival of the train from Dublin.

15,376. Have you found the mist detrimental?—Not in the least. I believe the former medical officer has made some remarks on it in reports.

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H. F. Jellens.
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R. Deakin.

15,387. (Mr. Brodrick.) How much food is he taking now?—He takes about half a pound of bread a day,

half a pound of greens, half a pound of potatoes, part of a mutton chop, and some sweetroot, two pints of milk and porridge.

15,388. (Dr. Ligon.) Does he take that every day?—Every day, sir, and nearly all. He refuses some of his food.

15,389. (Mr. Brodrick.) Has he always taken it?—He has taken more than that. He has a great deal of food.

15,390. (Dr. Ligon.) How do you mean that he refuses his food?—He refuses to take part of it. He sits up and takes a bit of it and throws it down again, then takes up another bit; and he eats his food all hours of the day and all hours at night, about 12 and about 1.

15,391. (Chairman.) Have you had charge of insane or lunatic persons before?—No, sir, never.

15,392. (Mr. Brodrick.) Have you observed if he takes food more readily when others are with him?—When he is by himself he takes most everything; not when anyone is present. I take him half a pint of porter every day. He won't drink it when I am there. He will drink it when I am gone.

15,393. (Chairman.) Were you present when Thomas Barrie was with him?—No, my lord.

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J. C. A. Lewis.
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15,406. They came in one day?—Yes, I believe; direct from Mountjoy.

15,407. Will you state what took place when they came here?—Do you wish to know as to the disposition of the prisoners, and so on, that was made?

15,408. No. What course was adopted when they came here?—Every preparation had been made for their reception within the prison. Clothing had been prepared for them; food also. Rugs had been laid down on the floor of the hall for them to undress upon, and the usual officers were here to attend to their reception and their disposal afterwards. Cells also had been expressly prepared for them.

15,409. Were these cells of the usual character?—They were ordinary cells. There is no difference here. The cells were all the same.

15,410. Rossetree says, "On our arrival we were 'dressed up in line on one side of the hall and soon 'piled to strip naked.'"—Just so; they were compelled to take off all the clothing, for it had to be returned to Mountjoy.

15,411. Did that include the shirts?—Everything.

15,412. They stood up naked?—Yes, they stood up naked, but only sufficiently long to get on their clothes. They were not made to stand naked.

15,413. But before the clothes were put on they were searched?—Yes, they were searched. The officers were there to see them stripped.

15,414. As to the searching, on you tell us what

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J. C. A. Lamm.
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took place?—They were made to hold up their arms, and to stoop down, and to open their mouths.

15,415. They were, he says, examined with a lamp held to the arms?—I have no doubt they would be. The examination is very strict.

15,416. In short, they were subjected to the same examination as all prisoners?—The same examination as all prisoners.

15,417. And that includes an examination of the arms?—The arms is not handled; it is not touched.

15,418. But a lamp is held?—It is so unusual to receive prisoners at that hour that I have no doubt a lamp was held to see that nothing was secreted there. It is not unusual to have things secreted in that part of the person.

15,419. After being searched, each man advanced to the opposite side of the ward, where he donned clothes lying on the ground?—The clothing was put out at his feet.

15,420. Did it include flannels?—No; flannels were not allowed to be used at the prison at that date. There is a Secretary of State's order prohibiting the use of flannels with us here.

15,421. That order has been subsequently modified?—That order has been modified.

15,422. What is the date of the modification?—I could not tell exactly.

15,423. (Mr. Brodick.) Was that order since been modified, or is it merely that the practice has since varied?—I am not aware. It was discretionary with the medical officer, and he perhaps has made some relaxation of the order.

15,424. What is now the rule, or is there any order now, as to prisoners who arrive wearing flannels having them issued to them here?—If they were flannels on admission they got flannels issued to them.

15,425. (Chairman.) Did the prohibition express itself generally?—It was general.

15,426. (Dr. Lamm.) Was it then in the discretion of the doctor?—No; but subsequently if a prisoner applied to the medical officer he would have flannels issued if he considered it necessary on account of any disease he was suffering from.

15,427. Do you mean subsequent to the refusal?—He cannot issue flannels until he has examined the man and ascertained that the application was made in a *bona fide* case. Perhaps you will allow me to refer to an order.

15,428. (Dr. Greenhouse.) We saw the order at Millbank. It is the usual order that you saw to prohibit the use of flannels.

15,429. (Chairman.) Is it one of the standing orders?—It is one of the standing orders issued by authority of the Secretary of State on the 23rd of February 1865, and conveyed in the Home Office letter of the 4th of March 1865—“No convict hereafter received is to have flannels on any account issued to him except on medical recommendation. Those convicts who are now wearing flannels may continue to be supplied with them up to the 31st instant, after which date none but those medically recommended are to be supplied with flannels.”

15,430. You think there is no order modifying that?—There is no standing order to the best of my recollection.

15,431. Was there any letter from the Secretary of State authorising a departure from that order?—All those letters have been marked. If you will allow me to refer to the chief clerk I can ascertain.

15,432. With regard to the clothing supplied, did you examine the Mountjoy clothing sufficiently to see if it was more or less thick or stout?—I did not examine it minutely, but it appeared to me to be thicker than that at this prison.

15,433. (Dr. Lamm.) Did it appear to be warmer?—It appeared to be of a more flannelly nature, to be thicker, more like felt. As I was passing by the passage it appeared thicker. Whether it was or not I cannot say.

15,434. (Chairman.) What steps are taken to fit the garments which are given to the prisoners when

they come in here?—They are fitted as nearly as possible at the time, and if the clothes require any alteration it is brought under the notice of the tailor.

15,435. Bannister says that the clothing was unsuitable shoddy, like stuff that one could see through, moth-eaten and damp, and that the trousers he got did not come within two inches of buttoning in front?—In every case the clothing was off new, and if in the night it could not be fitted exactly, the fault, whatever it may have been, would certainly be rectified the next morning. As to its being moth-eaten and damp there is no foundation for such an assertion.

15,436. Whose business would it be to rectify it the next morning?—The tailor master's, under the superintendence of the steward and manufacturer.

15,437. Who would bring it to his notice?—The officer in charge of the ward in which the prisoner was located. I will tell you, my lord, why it could not have been the case. Here is my order in which I give instructions that the prisoners should be paraded the following day at half-past 2 for my inspection, properly clothed. I saw them myself within 24 hours of their arrival. I saw that they were properly clothed.

15,438. Did you go near enough to them to have them speak to you?—I went near them and inspected them minutely.

15,439. Did they say anything to you or you to them?—Nothing whatever. I gave them the moral exhortation, I believe. When I see prisoners after inspection I caution them about the necessity of observing the rules of the prison.

15,440. (Mr. Brodick.) Are you now speaking of those that were received in January or February?—What I say applies to all.

15,441. (Chairman.) Bryan Dillon says that on parole next morning after their arrival you first addressed those criminals who were standing some distance from them in file in the same line with them, and that you then spoke to them, saying that they were convicts, that they had heard the rules read, that they would be punished severely for their violation; but that if they kept the prison rules they would be treated like other convicts, and that they could always see you on application. I suppose that was the substance of your speech?—Nearly that. I told them that the only way in which they could shorten their sentence was by steady hard labour; that the harder they worked the sooner they would get their discharge.

15,442. That is the case with all convicts?—I say that to all convicts.

15,443. Have you received any instructions from the Secretary of State or the directors on the adoption of any exceptional treatment of those transitory prisoners?—The instructions I received were that they were to be treated as ordinary prisoners.

15,444. (Mr. De Vere.) From whom did you receive such instructions?—From Colonel Henderson, who was then chairman of the board of directors. I may mention one exception to that. They were not mixed with the other prisoners at exercise; they were exercised separately by themselves; they were not allowed any communication with the other prisoners; but subsequently, on their own application, at their earnest request they were put with the other prisoners.

15,445. (Chairman.) Who made that request?—I cannot say which of them. I think it was pretty general. It proceeded from them generally. They complained of being kept away from the other prisoners.

15,446. Is the exercising here silent?—Quite, at that time; but now we have some prisoners here under different conditions; but that is the system here.

15,447. Dillon says that he told the officer he wanted to see you, that he went to his cell and found you at the door, that then you asked him what he wanted, that he said he wanted to write his reception letter, and that you angrily replied, “You shall never write or receive letters until I hear from the Secretary of State?”—No prisoners make requisitions to me at their cells. Any prisoner who wishes to see me gives his name to the officer, who enters it in a book, and the prisoner is brought here. I do not enter into any

conversation with prisoners in their cells ordinarily. I should never have spoken angrily. There would be nothing to cause me to do so in such a request as that.

15,448. Did you either here or at the cell say that until you heard from the Secretary of State he could not either write or receive letters?—I have no doubt that I did, my lord. That was the order, that they were not to write or receive letters until instructions were received from the Home Office.

15,449. That applied to reception letters?—It did.

15,450. In the case of other prisoners they can write a reception letter?—On application to me.

15,451. (Dr. Lysons.) When did you receive the letter from the Secretary of State?—What letter?

15,452. Was it the Secretary of State's letter?—No; it was a letter by Colonel Henderson to me, in reply to my letter asking were they to write. I had instructions with regard to not writing until further notice. Very shortly afterwards I received intimation from him that they would be allowed to write, and they did write.

15,453. That was after they were received?—That was after they were received. That would only apply to the first batch that was received. The second of course wrote their letters in the ordinary way that prisoners would have done.

15,454. Is it usual for you when a batch of prisoners comes to apply to the chairman?—No, certainly not.

15,455. What was the occasion for such a course in this instance?—Because these prisoners were received under exceptional circumstances.

15,456. Had you before then received the letter stating that they were to be treated in the same way as ordinary prisoners?—Before when?

15,457. Before you applied to the chairman to know were they to be allowed to write any reception letters?—I cannot say; but I can ascertain for you in a moment.

15,458. If you please.

15,459. (Chairman.) After the second batch had got the new clothing, were the rules read over to them that evening or next morning?—I am not prepared to state, but I can ascertain. I should think in all probability the next morning, as it was late in the evening; but I cannot say, my lord. I do not read the rules myself.

15,460. By whom are they read?—They were read by the deputy-governor, who is now governor of Brixton Prison; but the chief warden will be able to say positively.

15,461. Did they get any food that night?—Yes, my lord, they all had food.

15,462. What was it?—Each prisoner had an eight-ounce loaf of bread, four ounces of cheese, and a pint of hot oatmeal gruel.

15,463. Hot oatmeal gruel?—Hot oatmeal gruel.

15,464. (Dr. Greenhow.) Does that apply to both batches?—It applies equally to all. The same preparations were made on both occasions.

15,465. You are sure that they all had hot gruel?—I am sure they had.

15,466. (Chairman.) Rountree says he had only six ounces of bread?—Without he had it weighed he could not say. We make no six-ounce loaves. He had a four-ounce loaf and a two-ounce loaf, or two four-ounce loaves.

15,467. You are quite positive that he had the hot gruel?—I am quite positive that he had the hot gruel.

15,468. (Dr. Greenhow.) Was that gruel made with milk?—It was made exactly as ordinary gruel is, with milk and the usual ingredients, as laid down in the diet scale.

15,469. (Chairman.) Dillon says that the prisoners who arrived in the middle of January 1866 had no hot supper. They are entitled by the prison rules to hot gruel?—I am sure they had.

15,470. He is speaking of the first batch?—Does that refer to the first batch?

15,471. Yes?—Yes, they certainly had a pint of hot gruel.

15,472. As to the second batch?—They all had it.

15,473. You feel quite confident that the two batches

had the hot gruel?—I have no doubt whatever that they were both similarly treated.

15,474. (Mr. Bodrick.) Dillon positively denies that his own batch, which arrived in January, had gruel; though he rather favours the impression that the second batch, which arrived in February, did get the gruel?—I am positive the first batch had it. I made reference to the steward's book, and that entry of the hot gruel is down.

15,475. (Chairman.) You find it down in the case of the second batch?—It is down in the case of both batches.

15,476. (Mr. De Vere.) Mr. Lewis, can you produce this book?—I can.

15,477. (Dr. Lysons.) Can the warden be produced who issued the ration?—Certainly, and the clerk.

15,478. What is the name of the warden, do you know?—There were several, because they were not all located in the same ward, but the chief warden will know. I can send for him at once.

15,479. (Dr. Greenhow.) You said that rags were laid down on the floor for the men to change their dress on?—They were.

15,480. Were the clothes placed close to the rags on the opposite side of the corridor?—I cannot say that they were, but the reception warden would be able to tell you that.

15,481. You cannot say whether the men had to step from the straw rags to the cold ground floor?—The rags were put there that they should not have a necessity to step on the floor. That was my reason for ordering them to be placed there, but the chief warden will be able to tell you.

15,482. (Chairman.) When they were put in the cells what was done with their clothes?—Their clothes were put outside.

15,483. Every article of clothing?—Oh, yes; but they retained their shoes.

15,484. And stockings?—Not their stockings.

15,485. Every other article of clothing was put out?—Every other article of clothing was put out.

15,486. Is that a general rule of the prison?—It is the rule which is observed in the case of all prisoners who have ever attempted to escape, or whom it is supposed have an intention to do so.

15,487. How long was this course pursued with reference to those treason-felony prisoners?—I believe the whole of the time that they were here. They were sent here on account of the escape of James Stephens from the Richmond knife-throw, as it was not considered safe to retain them in Ireland, and they were sent to me with the particular object of ensuring their safe custody; and with that view I adopted the precautions which are taken in such cases.

15,488. Is there any warmth in the cells?—They are all warmed.

15,489. In winter?—Yes, my lord.

15,490. (Dr. Lysons.) Would clothes be allowed to remain in the cells of other prisoners at that time?—Not in the cells of any prisoners of whom we had any suspicion of their intention to escape.

15,491. But as a general rule?—As a general rule prisoners are allowed to retain their clothing in their cells with the exception I have mentioned.

15,492. The clothes were removed in view of the possibility of their escape?—The probability.

15,493. The probability?—The probability.

15,494. That is why they were not allowed to retain their clothes?—Yes. I had every reason to suppose that if they had an opportunity they would escape. They were sent here with the special view of their safe custody, and I received instructions to that effect.

15,495. Were you present at their arrival?—I was.

15,496. Can you yourself give any testimony as to the food they got?—Yes, certainly.

15,497. From your own personal knowledge?—From my own personal knowledge; I saw it all.

15,498. You saw the food served to them?—I did not see it served to them, but I saw it before them.

15,499. In what part of the prison did you see it?—I saw it in the kitchen.

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J. C. A. Lewis. 15,500. Whether any individual prisoner did or did not get anything hot for his supper you cannot testify from your own personal knowledge?—I did not see it myself. It was issued to the officers for the purpose.

15,501. But you are not in a position yourself per-

The witness did not withdraw.

James Duncan.

JAMES DUNCAN, steward, examined.

15,503. (Chairman.) Were you here on the occasion of the reception of two divisions of the treason-felony prisoners?—I was, sir.

15,504. Speaking of the first division now, those who came here in January 1866, can you say what rationes were issued to those men on their arrival here that evening from Dublin?—I can, my lord; there was a plot of grass.

The witness withdrew.

Mr. LEWIS'S examination resumed.

Mr. J. C. A. Lewis.

15,505. (Dr. Lyons.) Was the clothing that was issued to those prisoners new clothing?—It was new. If you like to see a similar set I will have it produced. This is a letter, my lord, I wrote to Colonel Henderson, through Captain Goodrich, the director of this prison, with reference to the letters.

15,510. (Chairman.) What is the date of it?—The date of my letter was the 11th of January 1866. The reply merely is that instructions had been asked of the Home Office, and I was to wait for those instructions before acting.

15,511. Was that after the arrival of the prisoners?—That was after the arrival of the prisoners, my lord. On the 19th of January a letter was written from the Home Office to this effect?—"I am directed by Sir George Grey to acquaint you, in reply to the inquiry contained in your letter of the 1st instant, that he sees no objection to the treason-felony prisoners removed from Mountjoy Prison being allowed, under the usual permissions, the usual privilege of writing a 'reception letter,' and immediately after that they were allowed to write. That was well within the time allowed ordinary convicts to write, which is a month. They are allowed within a month of their reception to write a letter."

15,512. (Dr. Lyons.) You were not in possession of that letter at the time that Dillon asked you might be write a reception letter?—I can tell you immediately. Dillon says that he applied to me for authority to write?

15,513. Yes?—Then I shall have that recorded.

15,514. (Mr. Broadrick.) He says that he applied to you the morning after his arrival?—Then I was not in receipt of it. Dillon—on the 16th of January. I was not in receipt of that letter at the time if he asked me that question. I am not prepared to say whether he did or not.

15,515. (Chairman.) He says you stated to him, "You shall neither write nor receive a letter until I hear from the Secretary of State"?—I dare say I said I would give him an answer as soon as I received authority. That might have been. On the 21st of February 1866 I received instructions from Colonel Henderson that the prisoners were to be treated as other prisoners are with regard to their exercising and schooling.

15,516. (Dr. Lyons.) Is there any objection to reading that letter?—None whatever.

15,517. What is the date, please?—The 21st of February '66.—"Sir,—Although the treason-felony convicts are treated as ordinary prisoners, I have not, up to the present time, allowed them to have the usual school instruction, not feeling justified in permitting them to sit with their cell doors open for an hour together without your authority. They take their exercise daily in the circular yards, and not in the associated yards with other prisoners. I respect-

fully to say so?—No, excepting to the best of my belief. It was my order, and I have perfect confidence in the person to whom I gave that order.

15,502. Who is that person?—The chief warden, who will be here, for whom I have sent.

The witness did not withdraw.

15,505. Was it warm or cold?—Warm, sir. Twelve ounces of bread—

15,506. Twelve ounces?—(Witness.) Yes, sir; eight to twelve ounces. (Mr. Lewis.) A reference to the book will show it exactly.

15,507. Could you get your book?—Yes, sir.

15,508. Get it, if you please?—Yes, sir.

The witness withdrew.

"fully respect to be informed if these arrangements be met with your approval, or whether you wish any different course to be pursued." Then Colonel Henderson says, "I think they should be treated as other prisoners."

15,518. (Chairman.) Those are his words?—That is his own sentence.

15,519. (Dr. Lyons.) That is, that in all respects they were to be treated as other prisoners?—In those respects. That has reference only to this inquiry of mine.

15,520. From that date out were they in all respects treated as other prisoners?—They were treated in all respects as other prisoners.

15,521. (Dr. Greenham.) Except with respect to putting on their clothes?—That was as ordinary prisoners. Any ordinary prisoner would have been so treated, whether a treason-felony prisoner or not.

15,522. (Dr. Lyons.) Did you observe amongst the prisoners who arrived on the 16th of January one who was detained in person?—I did. I know that there was a prisoner here named Dillon. I know it because I gave instructions as to a particular stool being made for him, so that he might sit more comfortably in his cell.

15,523. That was subsequently?—As soon as possible after I saw him. Dillon, it was—Bryan Dillon. He had a stool made to suit his infirmity, and he was also allowed to sleep in a hammock instead of one of the guard-beds, for the same reason, by my order.

15,524. (Mr. Broadrick.) Can you mention when the stool was ordered?—The medical notes will give you the date of it, I dare say.

15,525. (Dr. Lyons.) Could you have directed fannels for him?—I could not. I am prohibited from issuing fannels, except on the recommendation of the medical officer.

15,526. But the medical officer did not see him that night?—The medical officer saw the prisoners on their reception.

15,527. Could he have directed fannels to be issued for that man if he thought fit?—Oh, if he had recommended it, it certainly would have been issued; but I do not suppose the request was made to him at the time. If the request was made it was made subsequently. He had a hammock to sleep in first.

15,528. Two of those prisoners state most distinctly that they had not a hot supper on arrival here?—With you question the chief warden? He was present, and he will tell you, because he saw the suppers issued.

15,529. Is he the person who actually saw the rations issued?—He was present, and they were issued under his superintendence.

15,530. He can say who was the person who issued them?—Yes, certainly; he will tell you the name of the officer who issued those rations.

The witness did not withdraw.

JOHN JENKINS examined.

15,531. (Chairman.) You are now chief warden in this prison?—Yes, my lord.

15,532. And you were chief warden in the year 1866?—Not in 1866. I was senior principal warden then.

(Mr. Lewis.) There was no chief warden in this prison then.

15,533. Were you the principal warden, in fact, at the time of the reception of the second and third divisions of the treason-felony prisoners?—Yes, my lord.

15,534. Are you able to say what they had for their supper? Taking the second batch—the batch that arrived in January '66—what was given to them for supper on the evening of their arrival?—My impression is, eight ounces of bread, and gruel.

15,535. As to the gruel, have you a distinct recollection?—I am not quite positive.

15,536. You are not quite positive?—No; but I think it was.

15,537. You think gruel was served?—Yes, my lord.

15,538. Was gruel ordinary diet of the prison?—Yes, my lord.

15,539. If you are not positive, I presume you do not recollect whether it was hot or cold?—If it was served it was served hot.

15,540. It is given hot always?—It is kept hot for prisoners when they come in.

15,541. Uniformly so?—Yes, my lord.

15,542. I suppose we shall judge from the steward's

The witness withdraws.

Mr. Lewis's examination resumed.

15,551. (Mr. Bredrick.) When you speak of the treason-felony convicts being placed on the same footing as the rest as to exercise, were they exercised in what is described as an iron cage?—It is a circular yard. It may have been called an iron cage, but it is a yard which is subdivided by walls, so that there is only one prisoner in each division. Instead of being in association, walking one behind the other, they were put each in a separate division.

15,552. What space would there be in each division; it is described here as having a base of five yards, and two sides each of seven yards?—Possibly that may be about it. They would walk backwards and forwards seven or eight yards.

15,553. (Mr. Greenhow.) Are the walls of stone?—Brick walls. The yard is still in existence.

15,554. (Mr. Bredrick.) With regard to the cells, are they of uniform construction as to the windows?—They are all. I believe the cells in which these prisoners were were all precisely alike.

15,555. One of the prisoners complained that it was impossible to open his window, and that when open it was impossible to shut it; and one complained of too much, and another of too little air?—The window is a louver, and there is a lid on the top of it which they can open or shut at pleasure, so that they may admit fresh air or exclude it, and there is no difficulty in closing it whenever.

15,556. Bryan Dillon, having first remarked that his cell was very cold, and that passing into the corridor was like passing from a cold into a hot bath, goes on to say that cold air was continually pouring in through two or three open spaces in the window of his cell?—His cell has not been altered, and you will be able to see exactly.

15,557. Rosetree makes a contrary complaint. He says—"This cell was situated in an angle of the" building where no ray of sunshine, if there was the "like, could come here; and if it could it could not enter, for the panes were covered on the outside with the dirt of years. Two or three half panes over "lapping each other, about one twelfth of an inch "apart, was its only ventilator, and this small space

hook whether it was or was not received?—I suppose the steward will be able to tell.

(Mr. Lewis.) It will tell exactly, for every reception that I granted is recorded there.

15,543. Then all you can say is, "If it was served it was served hot"?—Served hot, my lord. I am almost certain there was gruel, but could not say positively.

15,544. (Mr. Leggett.) Was there any other article besides bread and gruel?—No, sir.

15,545. Are you quite sure?—No other article but bread and gruel.

15,546. Are you quite sure?—If the gruel was not served, water was supplied; but I think it was gruel.

15,547. Was there nothing else suitable served besides bread and gruel to all or any of them?—I cannot say; I cannot say, sir.

15,548. What else would be served to prisoners coming in?—(Mr. Lewis.) May I mention one circumstance in regard to it? The cheese that was issued to these prisoners is quite an exceptional matter on account of the distance they travelled. Ordinarily they would have only bread and gruel, but these prisoners came a long journey, and I ordered cheese. That possibly might be the reason Mr. Jenkins has forgotten it, but you will find it recorded in the steward's book.

15,549. (Mr. Leggett.) Can you name the warden who actually served out the rations to these prisoners?—I think I can ascertain in a few minutes, sir.

15,550. (Chairman.) Perhaps you had better ascertain from the books and let us know, for the 23rd of December '65, the 16th of January '66, and the 10th of February '66?—Yes, my lord.

The witness withdraws.

"was choked with dirt. It also had double or extra bars on the outside. There was, too, a perforated brick ventilator in the cell, and one for the escape of "but air, but they were useless, for they, too, were "choked with dirt?—If that description is correct they are the cells at this end of the wings, which are a little different in construction from the others. They may have been differently barred. There are some cells at this end of the wings which are ventilated in that manner.

15,558. (Mr. De Vere.) Whose duty is it, Mr. Lewis, to see that the windows are kept properly clean?—The officer in charge of the ward.

15,559. Is it to be done by officers or prisoners?—To be done by prisoners.

15,560. Is it possible that the spaces left for purposes of ventilation may have become choked with dirt?—No; it is not at all possible, for the cells are so closely inspected by the officers in charge of the wards. These cells were all visited daily by myself or by the deputy-governor, so that I do not think it possible they could be in that way.

15,561. If we were to see those cells to-day, what evidence would there be to us that they were in the same state?—They are in exactly the same condition now. There is no alteration of any consequence.

15,562. Are they in the same state in reference to ventilation?—I should say when the treason-felony prisoners were here they were very much cleaner than they are now. Owing to the progress of the works now in hand the prison is very full of dust and dirt, and it is impossible to keep it on.

15,563. Had they been recently occupied before the treason-felony prisoners were put into them?—Oh, quite. The cells were cleared out specially for them.

15,564. Have you known any case in which the ventilators were allowed to get choked with dirt?—I have never known a case. Whenever there is any complaint about a ventilator it is that they admit too much air, and the difficulty is to make prisoners keep them open. They stuff them up themselves occasionally, and are reported for it.

15,565. Is there any prison regulation by which the

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attention of the officers is directed to the state of the windows?—The officer in charge of a ward is directed to see that all the ventilators are opened as much as possible throughout the day.

15,566. How soon after the treason-felony prisoners arrived here were they bathed?—On the day following their reception. They could not be bathed that day, or that night, for there were no means of making water hot for them.

15,567. At that time of the year would they be bathed in warm water?—Oh, certainly, in warm water. There is a particular temperature laid down by the medical officer to which the water is put.

15,568. How many baths in this prison are supplied by the same water?—There were 30 baths only at that time, and to the best of my belief 18 of them were in connexion one with the other; and two, I think—I cannot speak positively without looking at them, but I know there are a few—the water runs through from one bath to the other. There are divisions.

15,569. (Chairman.) It is the same water which supplies them?—It is really the same. It would not be the same as letting in one vessel in which there were no divisions, the openings are in the bottom, and there are partitions between each bath.

15,570. (Mr. De Vere.) Were all the baths used at the same time?—All used at the same time.

15,571. How many relays of bathers are allowed to occupy the baths before the water is changed?—You are not speaking of the reception of prisoners now? At this time they have clean water.

15,572. I am speaking of ordinary bathing?—At that time the water was changed after every third batch of prisoners.

15,573. Then do I understand you rightly to say that there were three batches of 18 each, succeeding one another at the baths, and that during that time the water had free access from one bath to another?—I would not say positively 18, but there were three batches bathed in the baths which were in connexion, and the water was changed after every third batch. At that time there were only 20 baths; at the present time there are more baths, and the water is changed every time; but at that time there were only 20 baths, and the water was changed after every third batch of prisoners.

15,574. When was the change made?—I can tell you that on reference to my order book. On the 22nd of May 1869 I issued an order with regard to the baths.

15,575. Will you be good enough to read it?—In future the bathing will be conducted daily instead of weekly, as heretofore. 70 prisoners will bathe each day: 35 in the morning and 35 in the afternoon, and the bath will be supplied and refilled with clean water on each occasion. Every convict in the prison will thus obtain a clean bath once a fortnight. The temperature of the water in summer will be 84°, and in winter 90°.

15,576. What is the date of that order?—The 22nd of May 1869. That was issued after the enlargement of the bath-rooms. We built some more baths, and it was then possible to do this.

15,577. (Chairman.) Is point of fact, during the time that the treason-felony prisoners were here a great number of prisoners bathed, including them. You are not positive whether it was 18, or some other number?—20 prisoners went to the bathing place at one time.

15,578. And of those 20, 18 or some smaller number you think used the same water?—Yes; the water flows from one bath to the other by an opening at the bottom of the partitions.

15,579. (Mr. De Vere.) There were 18 baths?—There were then 20 baths in all.

15,580. Eighteen of those were connected?—To the best of my belief about 18; I cannot say positively 18 or 17, but the greater number were connected.

15,581. Three batches of 18 bathed in one supply of water?—If that is the correct number of baths which are connected one with the other.

15,582. Then 54 persons would practically bathe in the same water?—In that case it would be so.

15,583. And that was the practice here until your order was issued?—Yes, until I issued my order.

15,584. And the treason-felony prisoners had gone from the prison before that order was issued?—They had gone before that time.

15,585. (Chairman.) They were on the same footing in that respect with all the other prisoners?—With all the other prisoners; just the same.

15,586. In the case of Rossette, was the cell which he occupied one in which there was a privy?—They all had closets; the whole of them.

15,587. Is that so now?—That is not the case now, my lord. There are some cells with the same construction still, but we have removed the greater part of them. They will all be removed. That was the construction of the prison at that time.

15,588. And I think not merely this, but other prisons?—Yes, Millbank, I believe, my lord; not at the public works prison, certainly. This prison is different from all prisons, being specially constructed.

15,589. Have you any experience of county prisons?—None whatever, my lord.

15,590. With regard to the searching, how often after the reception of prisoners did searching take place?—At least once a week, to the best of my belief, the order is.

The same rule was adopted with regard to those prisoners as with regard to the others.

15,591. And was searching carried out as frequently as once a week?—Once a week, certainly.

15,592. Was it asked searching which took place once a week?—I believe they had to strip in their cells.

15,593. In their cells?—In their cells.

15,594. I suppose two officers were present?—Two officers were present.

15,595. Were there any other persons present?—No other persons present.

15,596. Rossette says that his wife was sick when he left Dublin, and that the governor of Pentonville received a note from her requesting him to let Rossette know that she was better. She enclosed a stamp for reply, and asked if it was against the rules that her note might be sent back. The governor, he says, kept this note, and when he wrote his reception letter handed him a note from his brother, and that it was six or seven weeks after he heard from his wife and learned of her cure. Do you recollect that transaction at all?—The prisoner Rossette wrote a letter on the 16th of February 1868.

15,597. That was his reception letter?—That was his reception letter, and he received a reply the 17th of February following. No, on the next day he received a letter.

15,598. Not a reply?—No, he wrote a letter and received a letter. He was removed to Portland on the 14th of May, so that he was not entitled to receive another letter.

15,599. He was not entitled to receive the letter?—No.

15,600. As the letters had crossed he could not have a reply?—No; but if anything important had been mentioned in that letter I should have communicated it to him.

15,601. When did that letter in point of fact arrive?—I can tell, my lord, on reference to the letter book.

15,602. Will you do so, if you please?—Yes, my lord.

The witness did not withdraw.

WILLIAM STREY, *warder, examined.*

15,603. (*Chairman.*) Were you present in December 1855 on the arrival of some of the treason-felony prisoners here?—Yes, sir.
 15,604. Can you tell us what notions were served out to them on that evening?—The ration, sir?

The witness withdrew.

WILLIAM PARKES, *warder, examined.*

15,607. (*Chairman.*) Were you present on the reception of certain treason-felony convicts here in December 1855?—Yes, sir.

15,608. Can you state to us what they had served out to them for meals on their arrival?—One pint of gruel, sir, and eight ounces of bread for their supper.

15,609. Had they anything else?—No, sir.

15,610. Was the gruel cold or hot?—It was warm, sir.

15,611. Is it the practice here when prisoners come in, if they come late, to give them warm gruel?—Yes, sir, always.

15,612. Were you present at the reception of the next lot of treason-felony prisoners in the latter part of January 1856?—No, sir; only one occasion.

15,613. (*Mr. Broadrick.*) Have you a clear recollection of the last gruel having been given to them on that occasion?—Yes, sir.

15,614. It is not merely that you know it to be the rule, but you remember that it was given then?—I am quite confident that these men received hot gruel.

15,615. (*Dr. Lyons.*) What else had they besides the gruel?—Eight ounces of bread, sir.

15,616. What else?—Nothing else, sir.

15,617. You are quite sure that there was no other ration given to them?—I am quite sure, sir.

15,618. Can you remember how many men were received?—I cannot, sir.

15,619. Can you state what part of the building they were located in?—No, sir. I know where they were when they came, and where they were stripped and searched.

15,620. You are quite sure that they got no other ration but gruel and bread?—Yes, sir.

15,621. (*Chairman.*) Are you speaking of those who came in December 1855?—Yes, sir.

15,622. (*Dr. Greenhow.*) Was there anything laid

The witness withdrew.

RICHARD WELCH examined.

15,626. (*Chairman.*) Were you a warder here on the arrival at any time of some of the treason-felony prisoners?—Yes, sir.

15,627. Were you a warder here in December '55, when they came?—Yes, sir.

15,628. Will you state what they had for rations the night that they came here?—No, sir, I do not recollect.

15,629. You do not recollect?—No, sir.

The witness withdrew.

WILLIAM CALLEWAY examined.

15,644. (*Chairman.*) Were you on duty the time of the reception of any of the treason-felony prisoners?—I was on duty the first night, sir.

15,645. Was that in the month of January '56?—In December I think the first lot came in, sir.

15,646. You were on duty then, were you?—I was, sir, when the first lot came.

15,647. Can you tell us what they had for supper?—I cannot, sir.

15,648. Were you on duty on the second occasion that some of them came?—I was not, sir.

15,649. Were you on duty on the third occasion?—No, sir, I was only on duty when the first draft came. (*Mr. Lewis.*) You were on duty on the 16th of January. You were present with Mr. Collins and Mr. Ellis,

warder, examined.

15,605. Yes?—I am sure I cannot remember, sir, what.

15,606. You cannot. Do you recollect whether they had or had not gruel?—No, sir, I cannot. I should not like to say for certain.

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W. Parkes.

R. Welch.

W. Callaway.

W. Callaghan. 15,685. Can you remember positively being present on the first occasion?—I was, sir. (*Mr. Lewis.*) Mr. Jenkins must have made a mistake.

JOHN JENKINS, chief warden, brings in a book.

15,687. (*Mr. Lewis.*) Here is his own signature that he was on duty on the 16th, the date of the second reception. He is mistaken in the date. It is so long ago, and they were received so nearly together.

Chief Warden Jenkins withdrew.

The witness withdrew.

J. Collis

JAMES COLLIS examined.

15,681. (*Chairman.*) Were you on duty in January '96, on the occasion of the reception of the second set of treasonable convicts?—Yes, sir.

15,682. Do you recollect what they had for supper?—Yes, sir.

15,683. What had they?—They had a pint of gruel and eight ounces of bread, the ordinary supper.

15,684. Was the gruel cold or warm?—Warm when was brought out of the kitchen, sir.

15,685. Can you speak with certainty as to that?—Yes, I can, sir, with regard to the men I served.

15,686. You served the men?—I did, sir.

15,687. Do you speak positively as to its being warm?—Yes, sir.

15,688. Do you recollect a man amongst them named Dillon; a little crooked man?—Yes, Bryan Dillon was the name.

15,689. And do you recollect Roastree?—And Roastree, and one of the names of Kirkham, sir.

15,690. Did Roastree come in the same lot with Dillon?—I cannot say, sir.

15,691. But at any rate he was located in the same place?—He was located in the same ward, sir.

15,692. Whenever it was that Roastree came, can you state from your recollection, with confidence, that Roastree had on the evening of his reception warm gruel?—(*Mr. Lewis.*) He was not present on that occasion.

15,693. (*Dr. Greenhow.*) Had they when they arrived nothing but gruel and bread?—Nothing, sir, that night.

15,694. You served the bread and gruel out yourself?—Yes, sir.

15,695. And you served out nothing but bread and gruel?—Yes, sir.

15,696. You are quite confident of that?—I am quite sure of it, sir.

15,697. (*Mr. Brodrick.*) Do you actually recollect serving gruel out to the little man, Dillon?—Yes, I recollect him very well, sir.

The witness withdrew.

W. H. Ellis

WILLIAM HENRY ELLIS examined.

15,698. (*Chairman.*) Were you on duty on the occasion of the reception of any number of treasonable convicts here?—Yes, sir, I was.

15,699. Was it in January 1896?—I cannot remember exactly, for there were two or three receptions.

15,700. We will take the second reception. Do you recollect who came then?—I do not remember, sir.

15,701. Do you recollect seeing a lame man?—Yes, sir.

15,702. Of the name of Dillon?—I do not recollect his name, but I recollect a lame man, sir.

15,703. A hump-backed man?—Yes, sir; he was in a division.

15,704. A very short man?—Yes, sir.

The witness withdrew.

WILLIAM CALLAGHAN'S EXAMINATION resumed.

15,698. (*Dr. Lysons.*) On what date do you find his signature in the book?—(*Mr. Lewis.*) On the 16th of January, the date of the second reception.

15,699. Then does it appear that he was present at the second and not at the first reception?—(*Mr. Lewis.*) It so appears.

15,700. (*Mr. Brodrick.*) Are you quite sure that they had no cheese that night for supper?—(*William Callaghan.*) I could not swear, sir. It is so long ago I could not swear.

15,698. Can you distinctly recollect serving gruel to him?—I recollect serving them all, sir.

15,699. (*Dr. Lysons.*) How far had you to bring the gruel?—From the kitchen to the cells. It would not take a minute to bring it up, sir.

15,700. Did you bring it yourself?—No, sir.

15,701. Who brought it?—I believe the principal warden; I am not sure.

15,702. What had you to do with it?—It was brought up from the kitchen and I distributed it.

15,703. Were you the person that distributed it to all the prisoners?—Only to three men in my ward.

15,704. Who were the three men?—I believe Roastree, Kirkham, and Dillon.

15,705. Did you deliver the supper to Roastree?—(*Mr. Lewis.*) He was not present at the reception of Roastree.

15,706. Do you remember very distinctly at all that occasion?—I remember being one night when they came; but I cannot remember who I served, but I know Dillon was one. On account of being a defenced man I recollect him very well.

15,707. Are you quite sure that you delivered a supper of gruel to Dillon that night?—Yes, sir.

15,708. Did you carry it with your own hands?—Yes; I put it in his cell, sir.

15,709. Can you recollect that you carried him anything else but bread and gruel?—I did not give anything else but bread and gruel, sir.

15,710. (*Mr. De Vere.*) Could the gruel get cold from the time that it left the kitchen until it was delivered to the prisoners?—No, sir.

15,711. How long would it be since it left the kitchen?—I really cannot say, sir. I know the minute we received the gruel, when the gruel was brought up, I issued it at once to them, sir.

15,712. The gruel was not delayed in its passage?—No, sir.

15,700. Can you tell us what he had for supper that night that he was received here?—I cannot really tell you, sir.

15,701. You cannot tell?—No, sir.

15,702. On the third occasion, in February '96, when some of them came, do you recollect who they were?—No, sir. I recollect there were prisoners come on two, or three, or four different occasions, but I think there were officers specially to receive them. I was on my duty I remember well.

15,703. On the third occasion, in February '96, can you tell what supper they had?—I do not really remember what supper they had, sir. I had nothing to do with it.

JAMES COLLIS recalled.

15,704. (Chairman.) Do you state positively that you put the gruel into the cell to this man?—Yes, sir. Which man do you mean, sir?

15,705. Dillon?—Yes, sir.

15,706. Did you give him, or did you see anybody else give him, any food before he went into the cell?—No, sir, I do not recollect.

15,707. Can you say that nobody did?—I cannot say that anyone did or did not; I never saw it.

15,708. You are quite sure that you took bread to him?—I took eight ounces of bread to him.

15,709. That would be a small loaf?—Yes, sir; that is the ordinary supper.

15,710. (Dr. Lyons.) Could he have got the bread before he went into his cell?—No, sir; it was brought up to the cell.

15,711. (Chairman.) The bread and gruel?—Yes, sir, the bread and gruel; both were brought up at the same time.

15,712. (Dr. Lyons.) Could he at first get the bread and then been told to go into the cell?—No, sir.

15,713. You are quite sure that he was in the cell before he got the bread?—Yes, sir.

15,714. Can you remember whether he got anything at all besides bread and gruel?—I do not remember anything else, sir.

The witness withdrew.

THOMAS CHALSWORTH examined.

15,724. (Chairman.) Were you a warder here in January 1866?—Yes, sir.

15,725. Were you present when some of the treason-felony convicts were brought here to prison?—The Felons, sir.

15,726. Yes?—Yes, sir, I was. I was here on that evening.

15,727. In January '66?—Well, I cannot exactly recollect the month, sir.

15,728. The first lot of prisoners was in December '65?—(Mr. Lewis.) It was the second occasion that he was present.

15,729. Was it the first or second?—It was the first that I was on duty, sir.

15,730. What rations had they?—The usual rations, sir, gruel and bread.

15,731. Was the gruel warm, or not?—Yes, sir, it was kept warm.

15,732. You were not present at the reception of the prisoners, were you?—No, sir, not to my recollection.

15,733. (Dr. Lyons.) Did they get anything else besides bread and gruel?—No, sir; that is the ordinary supper.

15,734. Can you remember distinctly now whether

The witness withdrew.

Mr. LEWIS's examination resumed.

15,743. (Witness.) He was certainly present on the third occasion on the ordinary night duty, for I have his signature on that date.

15,744. Was the cheese on the first occasion?—The cheese was on all occasions. Would you like to ask

The witness did not withdraw.

Mr. DUNCAN examined.

15,745. (Mr. Brodick.) Does that book which you produce contain entries of what food is ordered, or what is actually issued?—It does not contain what is ordered. It does not contain the quantities ordered. It contains the quantities issued.

15,747. Is the entry made as the ration is issued, or at what time is the entry made?—It was entered at the time these books were kept. These entries were made next day, the following morning. Now it is different. The calculation is made, but the entries are made up monthly.

15,746. But that represents what is actually issued?—What is actually issued, sir.

15,749. And not what is ordered?—Oh, yes.

15,750. Supposing a thing was issued by accident that had not been ordered, would it appear in that book?—The actual issue will appear in this book; oh, yes, sir.

15,751. (Chairman.) Refer to the issue made on the 23rd of December 1864?—Yes, my lord, in which item?

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T. Chalmers.

Mr.
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Mr. Duncan.

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15,752. Cheese?—Cheese on the 28d of December, there was an issue of one pound eight ounces.

15,753. At what time of the day?—We cannot tell that. (Mr. Lewis.) That would be a ration for six prisoners, and six prisoners were received. That is proof conclusive. No cheese is issued to anyone else.

15,754. We have got the fact that cheese was issued on that occasion?—That contains the absolute issue, the actual issue.

15,755. Was that the only issue of cheese on that day?—Yes, my lord. I saw it brought up from the bakehouse. I was standing in the centre.

15,756. That book would not enable you to say whether or not bread was issued to the treason-felony prisoners on that day?—No, my lord. This contains only the totals for the day.

Mr. Lewis withdrew.

Mr. Duncan's examination continued.

15,757. (Chairman.) Supposing that on one day there are 300 prisoners in the prison, would the books show that 300 pounds of bread were issued that day?—Well, you see there are so many varieties of diet, that though there may be 300 prisoners they would not be all on bread.

15,758. The books would show that a certain number of pounds of bread were issued for those 300 prisoners?—Yes, my lord.

15,759. Supposing those 300 prisoners, by the addition of 20 the next day, became 320, would the books show that bread for 320 prisoners was issued?—Yes, my lord.

15,760. On this occasion there were six prisoners received into the prison additional to those that were there before?—Yes, my lord.

The witness withdrew.

Mr. Lewis recalled.

15,772. (Witness.) You were asking about Rosemary's letters?

15,773. (Chairman.) Yes?—The only letters recorded here are two; one he wrote on the 16th of February 1865, and the other he received on the 17th of February 1865. There is no record of any other letter having been received from any relation of his. He wrote a letter and he received a letter from his wife.

15,774. (Mr. De Vere.) What are the dates, Mr. Lewis?—The first is the 16th of February 1865, and the receipt of the letter is the 17th of February 1865.

15,775. (Mr. Lyons.) From whom was the letter that he received on the 17th of February?—From his wife.

15,776. It was not an answer to the letter he wrote?—No; there was not sufficient time for an answer.

15,777. (Chairman.) You have no record of any other letter being received from her?—No.

15,778. Or from his brother?—Or from his brother. If a letter had been received from him for which he was not due, it would be returned to the writer, with a minute on it to that effect.

15,779. Is it your invariable practice?—Our invariable practice.

15,780. To return a letter as quickly as possible?—Immediately, by the next day's post.

15,781. (Mr. Lyons.) Does that show that the letter was from his wife?—It does.

15,782. What are the words entered?—Reply of wife, 17th of February '65.

The witness did not withdraw.

ARTHUR KENNAN EXAMINED.

15,780. (Mr. Lyons.) What was the temperature on the 23rd of December 1865 in the corridors?—(Witness.) 53 in the centre. (Mr. Lewis.) Maximum 58, cells maximum 55.

15,781. If those six prisoners got a pint of gruel each, would you not see in the book six more pints of gruel than the day before?—That would all depend on the distribution of the diets. The diets may vary daily. But I am quite sure that the gruel was issued. I saw it brought up, kept warm in the kitchen. The cheese was there in the bakehouse and brought up.

15,782. On what occasions was that?—On all the occasions. I was here on all the occasions.

15,783. Did you see the prisoners placed in their cells?—I did, my lord, on all the occasions.

15,784. Under your observation?—Yes, my lord.

15,785. Did you see the cheese brought up with the bread, and the gruel warm?—The gruel was warm.

15,786. Do you distinctly say that you saw that in all the three cases?—I saw it in all the cases.

15,787. (Mr. Brodribb.) How was it disposed?—It was brought up here. It was not issued for me to consume, but I was here on those occasions.

15,788. You traced these three articles of food to the central part of the prison?—Yes, my lord.

15,789. (Chairman.) You have no record in your book beyond one pound eight ounces of cheese?—We have cheese on all occasions.

15,790. You have nothing recorded beyond the cheese?—We have only the total quantity issued for the day. We cannot dissent it, as it were.

15,791. The bread and gruel would be increased by an extra quantity. Could you not find that it was issued?—I could say that extra bread was issued that day; but there were 13 in the infirmary, and not knowing how many were on certain diets, I cannot tell exactly whether it was a ten-ounce or an eight-ounce loaf.

The witness withdrew.

15,783. It is stated here that his wife was sick on his leaving Dublin, and that the governor of the prison at Pentonville received a note from her requesting him to let the prisoner know that his wife was better?—I can tell on reference if I received such a note.

15,784. Could it be the letter mentioned there?—No; this is a prisoner's note, not a letter addressed to me.

15,785. (Mr. Brodribb.) It is said she wrote to you. He says that you handed that note to him when he had written his reception letter?—I know that the prisoner received no letter through me except this, at the date the 17th of February 1865. That is the only letter I received from his wife for him, and that is the only letter he had.

15,786. (Chairman.) The letter he speaks of here, and that Mr. Lyons mentioned, is a letter addressed to you?—Then that I must trace in my correspondence book. You cannot give me the date of it?

15,787. (Mr. Brodribb.) Except that, according to his own statement, you gave it to him after he had written his reception letter?—If I gave it to him it was this letter, and that letter was not addressed to me; but if I received a letter from Mrs. Rosemary, I am certain I answered it. Do you wish, my lord, to know the temperature of the prison on the night of the 23rd of December?

15,788. Yes?—Within the corridors the maximum and minimum range was from 53 to 59, occasionally 55 to 59.

15,789. (Mr. Lyons.) Was that the daily temperature or the nightly temperature?—I cannot see, to know at what time it was taken.

15,791. (Chairman.) At what time was that taken?—(Witness.) At 9 o'clock in the morning, sir.

15,792. Has it been taken at night?—(Mr. Lewis.) That is the extreme range of the time.

A. Keran.

15,798. (*Dr. Lyons.*) Are both these taken in the morning?—(*Keenan.*) At 9 o'clock, sir. (*Mr. Lewis.*) 39 is the highest and 55 the lowest; in the centre the temperature was 58.

15,799. Was it accurately taken in the morning?—(*Keenan.*) On the morning of the 23rd. (*Mr. Lewis.*) At night it would be warmer; on the 24th, 51 degrees.

15,798. (*Dr. Lyons.*) The 24th?—(*Mr. Lewis.*) The morning of the 24th 51 degrees, but towards night it would be higher.

The witness Arthur Keenan withdrew.

Mr. Lewis's examination resumed.

15,799. (*Dr. Lyons.*) This prison is, I believe, regulated by special Act of Parliament, called the "Pentonville Act"?—By special Act of Parliament, yes.

15,800. What power does that confer with regard to punishments on the governor of the prison?—The punishments are regulated by the Secretary of State for the Home Department.

15,801. Do the regulations confer the power of punishment in any way?—There was a special punishment laid down for assaults on the governor and other officers; punishment for breaking the prison.

15,802. Would you read out the title of the Act?—"An Act for establishing a Prison at Pentonville," date, 18th of June 1842. This book contains all the Acts of Parliament relative to the prison.

15,803. Is there anything in that Act to regulate the governor's power?—The punishments are laid down by the directors under the authority of the Secretary of State.

15,804. But is there anything special in that Act defining the power of the governor in regard to such punishments as bread and water, dark cells, or the use of irons?—Anything of that kind is contained in the book of rules. There is a Secretary of State's standing order, but there is nothing in the Act of Parliament with regard to the governor. It merely says, "The governor is to have the same power over prisoners in his custody as the sheriff or gaoler."

15,805. What is the limit to the use of bread and water in this prison?—My power to do so and it is limited to three days.

15,806. What is the limit to your power with regard to the imposition of punishment in dark cells?—Three days.

15,807. Does that mean three consecutive days?—Three consecutive days.

15,808. In dark cells?—Yes; but I have never inflicted such a punishment. In fact I never use the dark cells as a punishment. I never have done.

15,809. You never have done?—I never have used the dark cells as a punishment.

15,810. You have used the dark cells?—Yes, but not as a punishment, to prevent other prisoners from being disturbed by a noisy prisoner.

15,811. Then it is as a measure of restraint, and only very seldom, and until the convict becomes quiet. If a man made a great disturbance about locking-up hour at night, I would have him removed to a dark cell until he was quiet.

15,812. How long have you found it necessary to keep him there to be quiet?—I do not think I have ever kept a prisoner longer I may say than between three and four hours. I do not think I have ever kept a man in beyond that period since I have been governor.

15,813. Would you think from four to six hours sufficient to make a refractory prisoner quiet in a dark cell?—They generally are quiet before that. In fact I have had few occasions to use the dark cell. It used to be used, I believe, years ago as a regular punishment, but I do not consider it necessary.

15,814. What is the limit of your power with regard to the imposition of irons?—I can only keep a prisoner in irons 24 hours.

15,796. What were the two extremes?—(*Mr. Lewis.*) On the morning of the 24th, 58 maximum, 55 minimum, with fog, and the wind east and south-east.

15,797. In the corridors 51 degrees?—(*Keenan.*) In the corridors.

15,798. (*Chairman.*) Make an extract of the temperature on the three occasions, 23rd of December '55, 16th of January '56, and the 10th of February '56?—Yes, sir.

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15,815. Is that the limit of your power?—That is the limit.

15,816. How is that limit defined for you?—It is done by a standing order.

15,817. Applicable to this prison?—To this prison certainly. I believe it is in the book of rules for this prison.

15,818. (*Chairman.*) For this prison only?—No, I believe it applies generally to other prisons.

15,819. (*Dr. Lyons.*) Lord Devon wishes to know if it applies to this prison only?—Here are "Rules" for the convict prison, Pentonville. This book applies more particularly to this prison.

15,820. Under what regulation do you regard your power of imposing irons restricted to 24 hours?—By order of the Secretary of State.

15,821. Where is that order?—There is a standing order. I take it from the "Standing-order book," but I believe it is in this book of rules also.

15,822. (*Chairman.*) We should like to see the "Standing-order book"?—I mean the standing-order book for all prisons. There is a positive order on the matter of the irons, restricting us to 24 hours. Rule 18, page 8, in the book of rules, date 1851: "In case of absolute necessity he may put a prisoner in irons, such irons, however, not to be continued on an offender for a longer period than 24 hours without a written order of a director, specifying the cause thereof and the time during which the prisoner is to be kept in irons, which order shall be produced by the governor as his warrant."

15,823. (*Dr. Lyons.*) Is that the authority under which you have been acting until the recent rule of this year?—Certainly.

15,824. Do you interpret that rule to be that a prisoner may be kept unattended, with his hands either in front or behind, for the full period of 24 hours without intervention?—Certainly no longer.

15,825. Day and night?—Day and night.

15,826. Should you feel yourself not justified in continuing the irons longer?—I should not have done it longer on any consideration without special authority from the director.

15,827. Have you ever had any occasion to refer to the director for special permission to extend the period of irons?—No, I never had.

15,828. On any occasion whatsoever?—No, I never had.

15,829. Have you ever had a very refractory prisoner in regard to whom you wished to have power to use the irons longer?—No, I never found it necessary.

15,830. Have you recently employed the irons for a continuous period of 24 hours?—I do not know that I have since I have been governor of this prison. Yes, I have on occasions kept men 24 hours in irons, but never beyond.

15,831. Never beyond 24 hours?—Never, sir.

15,832. Did that include 24 hours continuously and consecutively?—That was the longest period in which the irons were continued on a prisoner; but he had them removed to enable him to eat his meals.

15,833. Were they absolutely removed?—They were taken off altogether.

15,834. To enable him to eat his meals?—Yes.

15,835. And to go to the diet for purposes of nature?—Yes, certainly.

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15,836. Did you give him credit for this permission in the 24 hours?—No, not at all. In cases where the men were put on at 12 o'clock in the day, they were removed absolutely at 12 o'clock the following day.

15,837. That is what I mean, that you did give him credit for the periods of intermissions?—Oh, yes; it counted within the period. I did not keep them in longer in consequence of those periods of remission.

15,838. Do you interpret that rule to be the application of manacles for a period of 24 consecutive hours?—24 consecutive hours, certainly.

15,839. Would you, under that rule, consider yourself authorized to divide the period of 24 hours into fractional parts, and to put a prisoner in irons three or four, or any such number of hours, day by day, until you had exhausted 24 hours?—No; such a thing never would occur to me.

15,840. Do you consider the plain, common, honest interpretation of that rule to be, that the prisoner is to be put 24 consecutive hours, with or without intermissions for meals and purposes of nature, and that the power of ironing is exhausted when 24 hours have expired from the time that they were first imposed?—I do.

15,841. How soon after the expiration of 24 hours would you, under that authority, consider yourself warranted in putting a prisoner again in irons?—If a prisoner committed another act of violence which rendered this restraint necessary, I should do it immediately after he committed such an act. We can only use irons as a measure of restraint to prevent him doing injury to himself or others.

15,842. Supposing that after the expiration of 24 hours in irons a prisoner had immediately committed another act of violence?—I might consider it necessary to put him in irons again; I never had occasion to do so.

15,843. Suppose that on the second day he again committed an act of violence?—The master would in the meantime have been reported to the director and his instructions taken. A man who behaved in such a violent manner would have conducted himself so badly that I should not be able to deal with the offence, and I should refer it to the director and receive his instructions.

15,844. I want to know whether your power in regard to the matter is at an end at the expiration of the first 24 hours, and that you would then refer to the director, or that you would consider it within your power to put him in irons for a second period?—I should consider it in my power to put him in irons the second time, recording both in my journal.

15,845. Would you feel it your duty to immediately refer to the director?—A case has never occurred.

15,846. Supposing such a case to occur. It might occur to-day or to-morrow?—I should be guided by the circumstances of the case entirely.

15,847. What would you consider your power to be under that rule?—I consider my power is limited in restraining a prisoner in irons to 24 hours. There is nothing said about a repetition of the irons. If a man were to go on continuously committing acts of violence I should report it to the director and take his instructions. I cannot say at what particular period I should do so.

15,848. I want to know whether you think that it continues in your power to put a man in irons a second or a third period of 24 hours without reporting to the director?—I believe I should have the power, but it might be in the interest of me to keep continuing a restraint of that kind without special report.

15,849. I suppose that, as a matter of fact, you would report at once?—I should if a prisoner continued to misconduct himself so violently as that. The first occasion would be reported to the director in all probability. I should never restrain a man by irons unless he had so misconducted himself as to call for a report to the director. I should in the meantime get the director's instructions.

15,850. Have you ironed men with the hands behind their backs?—Yes.

15,851. And for a period of 24 hours?—I do not know that I have for 24 hours. There have been cases in which men have been placed for a time with irons in front, and then they have been put behind their backs; I cannot say for what period.

15,852. You cannot say for what period you have employed them?—It never exceeded the 24 hours. I cannot say that it has been done so long. It has been done when the prisoner made a serious breach in his wall at night. I then confine the man in irons until the following morning, probably it would be six or seven hours, not more.

15,853. If you have to put a prisoner in a dark cell at night, is he allowed bed and bedding?—No; there is no bed allowed, a rug only.

15,854. Is he allowed to retain his body clothes?—Yes, I believe he would have his clothes, because he would be brought down. I am not quite clear upon it. I never have employed the dark cell in that way.

15,855. But you believe that he would be allowed to retain his body clothes, and that he would get a rug?—He gets a rug.

15,856. Would he get a blanket?—No bed is allowed, a rug is the only thing.

15,857. But would he get a blanket?—No, I do not suppose any exception is made. Would you let me first speak to the chief warden?

15,858. Yes.—He gives instructions about all these things. They are put down in writing.

15,859. (Chairman.) Perhaps you will give us the written regulations?—I will, my lord. In the winter they are allowed a blanket and rug, in the summer a rug only, and they always retain their clothing; but no other bedding is allowed.

15,860. (Dr. Lysons.) Is bread-and-water punishment used much here?—Daily. It is the only punishment.

15,861. What is the ordinary length of time for which bread-and-water punishment is inflicted?—From one to three days, according to the nature of the offence.

15,862. What is the average period for which men are kept on bread and water?—It would be a mean between these two limits, one and three. I dare say we could tell you the average.

15,863. (Mr. Broadrick.) You are now speaking of the punishments by order of the governor?—By my own order, yes. It will be out and a decimal.

15,864. (Dr. Lysons.) That would mean that one day is more frequently awarded?—Yes, it is more frequently one.

15,865. Have longer periods of bread and water been given here?—Only occasionally, by the director's order. It is recorded in the last annual report and in those of preceding years, the number of punishments and their duration, every single instance.

15,866. The number of punishments and the duration?—The number of punishments and the duration, and the average, I believe.

15,867. (Chairman.) In the annual report is it?—In the annual report, my lord. There is a table. The tables are similar for different years.

15,868. (Dr. Lysons.) Take any one year and show the average?—Here is a table showing the entire duration of punishment.

15,869. What year is that?—The report for the year 1868.

15,870. Just mention the number of instances of bread and water?—One day 448, two days 130, three days 112. There are some additions to those. The director's bread-and-water punishment: one of 6 days, three of 12 days, one of 15 days, one of 18 days, and three of 28 days. Whenever a punishment is awarded exceeding three days, every fourth day the prisoner gets penal-chow diet.

15,871. We are quite familiar with that. Now the dark cells?—There are none. I never use them at a punishment.

15,872. Is it that they would not be recorded?—They would not have been recorded if I had sent men to the dark cells.

15,873. (*Chairman*.) But if they are used you find they are not recorded?—Only in my journal.

15,874. It is not published?—It is not published here.

15,875. (*Dr. Lynam*.) With regard to ironing, is there any notice of boys having been used?—Not in this report.

15,876. (*Mr. Broadrick*.) For the same reason?—The order is, that when it is necessary to place a prisoner in irons, it is to be recorded in the governor's journal. It is not a punishment.

15,877. (*Dr. Lynam*.) Would it not be published in the report?—No, it is not a punishment. This records the punishment.

15,878. Would you refer, and say how often leas and dark cells were used in a year?—In this particular year?

15,879. Any one year will do?—I do not use the dark cells.

15,880. At your leisure would you give down the number used in that year, say 1868?—Yes, or would you wish for the year the Fens prisoners came.

15,881. Any one year, the dark cells and irons?—Still I send it to 3, Parliament Street?

15,882. If you please.

15,883. (*Mr. Broadrick*.) In case of a prisoner's being violent, and your thinking it right to use these measures of restraint, namely, either the dark cells or the handcuffs, is it your practice to have him brought before you?—I see the prisoner. I do not have him brought before me. I go to see him.

15,884. Then it is your practice to see the prisoner before consigning him to the dark cell?—Oh, yes, certainly, I have invariably done so, I think I may say without exception.

15,885. Should you listen to anything that he might have to say?—Yes, I always hear what a man has to say.

15,886. Would that also apply to the use of handcuffs?—Yes, I do not think that I have ever given orders. I may have done so on one or two occasions, but my general practice is to see the man myself.

15,887. Do you know anything of public works prisons?—Yes, I was deputy governor at Portsmouth.

15,888. Is it your opinion that more restraint may be necessary in public works prisons than in close prisons?—Yes, I think so, certainly, because here every prisoner is to a great extent restrained by the construction of his cell. That is not the case in public works. He is in a little iron box, as it were.

15,889. Therefore you think that the use of handcuffs might be a little more necessary in public works prisons?—Yes, in public works prisons.

15,890. I observe that Dillon complains that the trap door of his cell and of his fellow prisoners' cells were always nailed down, whereas other prisoners were allowed to have their trap doors freely up?—There was no exception. They were all fastened. It was the practice before I became governor to have the trap door open, locked with a key. The food was served in that way. But to prevent communications with the officers of the prison at night, I represented the matter to Colonel Henderson and he ordered all the trap doors to be fastened up.

15,891. Then it is not true that any special hardship was inflicted on the Fens prisoners in this respect?—No, the only trap doors open are those of prisoners under special medical observation. There are about half a dozen open for that purpose.

15,892. (*Chairman*.) Supposing that from accidental circumstances the director's arrival, to inquire into the case of a prisoner who had been violent, was delayed more than the period you could legally keep him in confinement, what course should you find it necessary to adopt?—I should receive an instruction from the director as to what was to be done pending his arrival. He would either say, "This prisoner is to be kept on ordinary diet in his own cell," or in a strong cell, or the case might be.

15,893. Then you have never had occasion to consider what course you would take, supposing the period to exceed 24 hours, because you have always ex-

perienced the intervention of the director in such a case?—Always; a prisoner has never so subordinated himself within the 24 hours as to make such a course necessary.

15,894. What is the practice in this prison, Mr. Lewis, with regard to punishing prisoners under punishment from attending their place of worship on Sundays?—If a prisoner is placed under punishment he does not attend chapel at all; it would be against the Secretary of State's order, which is that a prisoner is not to leave his cell for any purpose except necessary calls of nature.

15,895. What is the practice of this prison in the same respect with regard to prisoners in the infirmary?—It is entirely discretionary with the medical officer. Those who are well enough to attend chapel are sent down by him for the purpose; but the others have a special service for them in the infirmary itself.

15,896. Practically do a considerable number of infirmary prisoners attend their places of worship on Sunday?—There are a few of them here I cannot say the number. No prisoners are treated directly in the infirmary here unless their cases are severe, too severe almost to allow them to quit the infirmary. Prisoners who are only ordinarily ill are treated in their cells, and they all would attend chapel, without they receive a positive order from the medical officer to keep the cell.

15,897. Did I not understand you to say that in some cases with the permission of the medical officer they go from the infirmary to the chapel?—Yes, but they all have an opportunity to attend chapel, or have a special service in the infirmary itself.

15,898. Have you ever found any inconvenience to discipline from the infirmary patients attending divine service?—None whatever. They are always put in a particular place, and in front of all the other prisoners.

15,899. I think you told us, Mr. Lewis, some time ago that you would not speak to a prisoner with respect to an application he made to you, but that you would require him to transmit a record to you through his proper officer?—I should not enter into any application of a prisoner. I should hear what he had to say; but in order that it might be properly recorded, he would have to come here at the proper hour in the morning, and have it written in the request book. Of course if it was a case of great emergency, I should act immediately, or investigate it and have it postponed to the next day. But the rule is that all prisoners requiring to see me should put their names down and they are brought every day at a certain hour at this office. I put the request down and put my decision down, and it is acted on by the proper persons to whom these orders are addressed.

15,900. If a prisoner were to note to you as you passed by his cell that he had made a request through his proper officer to see you, and that it had not been transmitted, would you hear his statement?—I should investigate the case, but not on the spot. I could not investigate the case on the spot.

15,901. How would you investigate it?—I would take the evidence of the officer and hear what the prisoner had to say, and then take the evidence of the chief warder and principal warder of the division, the officer in charge of the ward, and the particular officer complained of.

15,902. Then you would take the evidence of the prisoner in that case *enfant quantus*?—Oh, yes, I should do my best to ascertain the truth of his statement.

15,903. Supposing a case of complaint of ill-usage by an officer to a prisoner. If a prisoner makes a complaint to you and says that two other prisoners were within hearing and could support his statement, what would be your course?—I do not take the evidence of other prisoners to support them.

15,904. Is that an absolute rule?—No, not absolute, but I never had occasion. The prisoners have not appealed to others.

15,905. (*Mr. De Vere*.) Supposing that a warder has stated that a prisoner was making a great row in

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as cell and disturbing other inmates of the prison, would you or would you not think it right in that case to ask of other prisoners whether they had heard this noise, if the allegation was unsupported, but was merely the statement of a single warder?—No. If I once knew that an officer heard a noise, and that many others heard the noise, the statement would be quite sufficient. If a prisoner makes a noise in his cell he disturbs more or less the whole of the prison.

15,906. If, as in a case before us, there was a charge made by a prisoner that a warder had used very violent language and made a great row outside the prisoner's cell door, abusing him, and that the prisoner made appeal to all the prisoners in the neighbourhood to confirm his statement, would you think it right to ask them whether they could confirm him?—No. I should take the evidence of all the others who were within reach. If the man accused was so violent as that, there would be plenty of evidence of other offences.

15,907. If a case arose in which there was not any possibility of getting evidence of other offences, would you take the evidence of the prisoners?—Such a thing would be impossible.

15,908. (Dr. Lyons.) You said awhile ago that it was by the Secretary of State's order a prisoner was not to leave his cell when under punishment, except for purposes of nature?—Yes, that is in this book.

15,909. Could you put your hand on that order?—Certainly; the book has been submitted to the Secretary of State for his approval.

15,910. (Chairman.) It bears his signature, I suppose?—I do not know. It is issued by his authority. In the title page it states, "Approved by the Secretary of State for the Home Department." Here is the rule that you refer to:—"Convicts to whom the punishment of solitary or close confinement in a light or dark cell is awarded—the period not exceeding 72 hours—must not be allowed to leave their cells for any purpose excepting to answer the calls of nature, unless by order of the medical officer; nor are they to be furnished with any work; they will be allowed to have their Bible or Testament, prayer book and hymn book, but no

"others." This is taken from the book of standing orders, page 37, standing order number 53.

15,911. (Dr. Lyons.) Is that book published by authority of the Secretary of State?—By authority of the Secretary of State.

15,912. Is it so stated on the title page?—It is not stated on the title page, there is no title page to it. My impression is that these orders are all issued by authority of the Secretary of State.

15,913. You believe that these orders have all the authority of the Secretary of State?—Certainly.

15,914. (Chairman.) I believe, Mr. Lewis, that the medical officer in charge of this prison is not the same who was in charge when the treason-felony convicts were here?—No, he is not.

15,915. Will he supply us with copies of all entries in the medical books relative to the treason-felony convicts, Dillon and Roantrie?—Has he not already, my lord, supplied those notes to the Commissioners, and also to the directors? Would you like to question Dr. Clarke on the subject?

15,916. If you please?—I am pretty sure he has furnished all that information. I know he has two or three times enclosed them either to you or to the directors.

15,917. Will you also direct that we should see a suit of the clothing?—Yes. With reference to that letter of Roantrie's, my lord, I informed Mrs. Roantrie that her husband was well and that he would be allowed to receive her letter, so that the letter was not addressed to me, it was addressed to the prisoner, and he received it at her request.

15,918. What was the date of it?—The 16th of February, my lord. I sent her the memorandum to the effect that her husband was well and that he would be allowed to receive her letter.

15,919. Then you handed him the letter?—He received the letter accordingly.

15,920. (Mr. De Vere.) You have no recollection of having received a letter from her?—Undoubtedly there was a memorandum accompanying it sent from her to me, with the letter to her husband. I returned it to her with my minute to that effect.

The witness remained.

Dr. CLARKE examined.

15,921. (Chairman.) You see medical officer of this prison at present?—I am.

15,922. You were not here at the time the treason-felony convicts were here?—No, I was not.

15,923. You have been applied to, I think, for copies of certain returns in the medical records of the prison, as regards some of the prisoners?—I have.

15,924. Will you kindly say (because, I believe, they have not reached us), whether you have supplied copies of all entries relating to the treason-felony prisoners, Dillon and Roantrie?—I believe I have sent more than once to Woking, and three or four times to the directors. I am not quite certain as to the Commission. I have the particulars here; they are very brief, in the three cases you require.

15,925. Take Dillon's first, please.—Bryan Dillon.

15,926. When was he first sent by the medical officer?—On the 26th of January 1866.

15,927. Is there no entry on the 17th?—He came on the 16th.

15,928. He said he was sent by the medical officer on the 17th?—Oh, yes, I beg pardon. There is no entry, "To have fannels," on the 17th of January.

15,929. Anything else?—On the 23rd of the same month, "To have a chair or stool made to suit his infirmity."

15,930. Is there anything on the 26th?—Yes; on the 26th of the same month he had a mixture, but it does not state for what purpose. I should think it was for some rheumatic affection, and the prescription is given.

The witness withdrew.

The Commission proceeded to inspect the prison.

15,931. (Dr. Lyons.) Is there any entry of his being ordered a separate cell about that period?—No.

15,932. (Chairman.) What is the next?—On the same day, from the 26th to the 29th, "sick diet." He then got ordinary diet.

15,933. We will not trouble you to go through them further. You can send us the copies?—Yes, my lord.

15,934. (Dr. Lyons.) Are you the principal medical officer of this convict prison?—I am.

15,935. Have you an assistant medical officer?—No, I have not.

15,936. You have the sole charge?—I have.

15,937. May I ask what are your qualifications?—I am a graduate in medicine of the University of Edinburgh, a member of the College of Surgeons there, and a member of the College of Physicians here in London.

15,938. What is the size of the infirmary? What is the number of patients?—There are 16 patients in two long wards, and three in a small ward.

15,939. Does that represent the number of sick?—(Dr. Clarke.) Yes. (Mr. Lewis.) Not the sick in the cells. (Dr. Clarke.) No; those in hospital.

15,940. What sick have you in the cells besides?—(Dr. Clarke.) The sick are treated in their cells, unless the cases are of such an urgent nature that I think it necessary to take them to hospital; but all ordinary cases are treated in the men's own cell.

No. 3, Parliament Street, London, Tuesday, 16th August 1870.

PRESENT :

THE RIGHT HON. THE EARL OF DEVON IN THE CHAIR.

THE HON. G. C. BACON, ESQ.
STEPHEN E. DE VEE, ESQ.DR. LEON.
DR. GREENSHAW.

W. SPENCER OLLIVANT, ESQ., Secretary.

MR. JOHN ROWLAND GIBSON examined.

15,941. (Chairman.) You are medical officer of Newgate, I believe?—I am.

15,942. What are your qualifications?—Fellow of the Royal College of Surgeons.

15,943. (Dr. Greenhow.) Not M.D.?—No; a licentiate of the Society of Apothecaries.

15,944. (Chairman.) How long have you been in your present office?—More than 15 years.

15,945. Do you recollect one of the treason-felony convicts named Richard Burke?—Quite well.

15,946. He was at Newgate a short time after his conviction?—Yes, he was. He was there before his conviction and for a very short time after it. He came to us on the 6th of March and left on the 2nd of May.

15,947. (Mr. Bradrick.) What year was that?—'68. He was tried I think on the 30th of April.

15,948. (Chairman.) He was removed then?—I think he went to Millbank, but I am not sure.

15,949. Did you see him shortly after his arrival at Newgate?—Yes; I think I recollect seeing him the very day he came. I always see them on the morning after; but I think I was in the goal at the time of his arrival. Of course he was a marked man. I have a distinct recollection of seeing him. I recollect him well.

15,950. Having a distinct recollection of him, you can perhaps tell us what impression you formed of his mental state?—He seemed perfectly sound in mind; not a question of that.

15,951. Had you conversations with him?—I had conversations with him. I do not mean long conversations, but I had conversations with him. I saw him at once, and examined him first, and I saw him every week in accordance with the rules of the goal. I think it was once a week. The old rule used to be twice a week. There have been new rules instituted, so that I am not quite clear whether this new rule came into operation since he was there. But if the old rules were in operation I saw him twice a week, because I always acted up to the rules.

15,952. You came to the conclusion that he was of sound mind?—I had no doubt about it; I had no reason to think the contrary.

15,953. His manner, demeanour, and conversation would not lead you to an opposite conclusion?—No.

15,954. Had you any reason to doubt the sanity of his mind during the period that he was under your medical charge?—Not the slightest suspicion of his being of unsound mind the whole time. Nothing whatever occurred to lead me to think otherwise.

15,955. And you saw him at least once a week, you think?—I am quite sure of it. I am not quite certain whether it might not have been twice, but that would be dependent on whether the new rules came into operation; and of course if any prisoner requires attention I see him, and on one occasion I prescried for Burke, and had a little conversation with him.

15,956. You prescried for him?—Yes.

15,957. Was it for some bodily ailment?—Yes; in fact his bowels were a little constipated, and he wanted a little aperient. He had it for that once.

15,958. That led to a conversation with him?—I had an interview with him on that occasion.

15,959. I suppose you did not talk on any subject except his medical state?—No; I did not. I had a

little general conversation with him, but did not go into any unusual matters. His conversation was quite consistent with a thoroughly sound mind.

15,960. (Mr. Bradrick.) Did he refuse his food at all?—No, I never heard of it. He kept himself up to the time of the trial. A prisoner who is married, if he has means, is at liberty to keep himself, and then the diet is sent in. After a prisoner is tried he is put on prison diet. As his trial did not come on until the 30th of April he would not be on prison diet until after that. But I never heard of his refusing his food, and my attention is always called to it if any of them refuse their food, and I always inquire into it.

15,961. Do you happen to have seen him since?—No, I have not; I have not.

15,962. (Dr. Legoss.) What do you state his condition of health to have been at that time?—He was in very good condition of health; well nourished. I have a clear recollection of the man.

15,963. Do you happen to have any record of his weight?—We have a record of his weight, because every prisoner who comes in is weighed; but I did not know that it would be wanted, otherwise I would readily have brought it.

15,964. Perhaps you would be good enough to send his weight on reception and when he left?—The weight on coming in is taken. I do not think it was taken when he left, but it would be taken when he went to another prison.

15,965. If he was weighed more than once you will be good enough to send us a return?—I do not think he was weighed more than once. Unless there is a particular reason—if a man thinks he is getting thin or poorly, we perhaps weigh him to ascertain his exact condition.

15,966. Was there any excitability noticeable about him?—None. I recollect he was quite calm, well-sensitized, no excitement, nothing whatever. I recollect the man well.

15,967. Was he a man who was very ready to enter into conversation?—Yes, he entered readily into conversation, but there was no excitement or any depression that I observed.

15,968. He had no objection to enter into conversation?—No, none; he entered into conversation readily.

15,969. How was he located?—He was in one of the cells.

15,970. A separate cell?—A separate cell, in one of the upper corridors.

15,971. (Mr. De Vere.) You say he was tried on the 30th of April, and left on the 2nd of May. Had you any opportunity of judging whether there was any change in his demeanour subsequent to his trial?—I do not think there was. I always examine the prisoners before they leave; that is to say, all the penal convicts, and in due course I should have examined him. I have no particular recollection of the examination of him before he left, but if there had been anything remarkable I feel sure I should have recollected it.

15,972. (Chairman.) In due course you examined him on the 2nd of May?—I feel sure that I examined him.

15,973. (Mr. Bradrick.) Was there any frenzy in his expression?—No. I recollect well how composed he was. There was a nice, gentlemanly manner about the man.

The witness withdrew.

Mr.
J. R. Gillies.
18 Aug. 1870.

Dr. Burns.

44 Aug 1878.

Dr. Burns recalled.

15,974. (Chairman.) We are anxious, Dr. Burns, to follow up a little further your evidence on a point which we questioned you, I think, on before; namely, the health and demeanour, and so on, of Richard Burke. Do you recollect the trans-fetous convict Richard Burke?—I do, my lord.

15,975. You were asked some questions about him on a former occasion.

15,976. When did he come to you?—Well, I have no notes; about March.

15,977. (Dr. Greenhow.) Was it not on the 18th of May '68?—That would be about it. I think it was before that.

15,978. According to the data before us he was tried on the 13th of April '68, and sent to Millbank on the 2nd of May, and removed 16 days afterwards to Chatham?—I think he came to me from Millbank.

15,979. He did?

15,980. (Chairman.) He was sent from Millbank to Chatham?—Yes, my lord.

15,981. He came to Chatham on the 18th of May '68?—Yes, and left on the 10th of December 1869. I know he left then.

15,982. What state was he in on his arrival at Chatham?—His health was very good, my lord.

15,983. His bodily health?—His bodily health was good.

15,984. In what state was his mind?—Perfect.

15,985. You examined him professionally, I presume, shortly after his arrival?—I examined him the day after his arrival.

15,986. Did you observe was he then under any excitement or depression?—Not the least, my lord.

15,987. He was in his natural state?—He was in his natural state.

15,988. You saw him, I suppose, after that time frequently, did you not?—Every week.

15,989. Did you at any time observe any change in him, either bodily or mental?—Yes, it was about the time of the visit of Mr. Blake and Mr. Downing. I think that the prisoner after an interview with them had begun to get dissatisfied.

15,990. (Dr. Lyons.) About what time was that?—It must have been in March '69, about March; but I was not aware I would be examined on this particular point or I would have taken—

15,991. (Chairman.) He began to get dissatisfied. Did that dissatisfaction produce any effect either on body or mind?—Yes; it produced this, that he abstained from taking food, and he asserted that everything that he had disagreed with him.

15,992. How was his bodily health then, before he began to abstain?—He was in very good bodily health, and continued to be so as far as I could observe; but he asserted.

15,993. As far as you know did anything that he took disagree with him?—No. I carefully looked over this, and I found that there were no grounds whatever. In fact he asserted that he had a good appetite, but he still abstained from food.

15,994. Did he exhibit any change whatever in his mental state?—He stated that he had worms, but his mental condition remained unchanged. He seemed to have perfectly sound, good, reasoning faculties. I conversed with him frequently.

15,995. How long did that continue?—Every now and then he used to take these fits. He complained that he had worms, and from the reports of himself and the nurse I gave him purgatives to remove these, which he said had effect, and he would take his food again.

15,996. Did you at any time observe any change in his mental state?—Never.

15,997. Do you apply that observation to the whole period?—I apply that observation to the whole period, till within a short time before he left, when he showed a sort of hypochondriacal condition. He stated that he was—stated to me at least that he was—poisoned by the food.

15,998. Did he say anything else which would lead you to see a change in his mental condition?—Then when I questioned him and there was nothing found, because the provisions were all issued indifferently to the Penitentiary prisoners, and if it were so the others would suffer also, because he often had his choice before others, then he stated that his medicine contained bicarbonate of mercury.

15,999. What was the medicine?—Some simple medicine that he had; a cough mixture. I think it was squills and ipecacuanha.

16,000. Did he say anything else which struck you at the time?—No; I began to wonder how he gave me all the symptoms of poisoning by bicarbonate of mercury.

16,001. He described them?—He described them. I wondered till I found how he came by this information. I found that he had demanded "Powers's Chemistry," and had been studying it.

16,002. Was that a book in the goal library?—No, my lord; it was supplied at his request. He asked the director for it, and it was given to him by the convict establishment.

16,003. Did he say anything else which struck you?—I had a conversation with him on these points, and the assistant-surgeon had been to see him also; he had been discussing the point with him, and he had told him that white of eggs was an antidote for this poison, and asked him if he would like to have some. He thought him very foolish, and sent him over an egg for his dinner.

16,004. Did that at all satisfy him?—No; he said that he had given it to him hard boiled, and of course it would never answer any useful purpose. It was merely done to satisfy his demands, he was so frequently complaining that the food was not fit to eat. In fact his complaints were perfectly groundless—the causes that he made of complaint.

16,005. Being groundless, do you believe he thought them well founded?—I merely think that possibly he was hypochondriacal, from having no other source of complaint. His employment was so little it was not sufficient to occupy his mind.

16,006. What work was he put to?—I am not quite sure if it was stone-breaking or mending stockings, but the work was never adequate to keep the mind sufficiently employed. That was my impression at the time.

16,007. Did he continue in that state until the time he left you?—He took another fit. He used to get worse again and get on all right; but just before he left me he complained, and I thought it right to tell the directors then, that from associations that he had, they seemed to be entering into a sort of conspiracy together—I think it was Ross and O'Connell and others—I thought it better to have him removed. I mentioned this to the directors, and they removed him on the 10th of December.

16,008. Do you think there was nothing very material in the way of change in him between the time you first observed him becoming hypochondriacal and his removal?—There was nothing in his state that told at all to need his removal, except that he was weakened from want of food. He had not sufficient food.

16,009. Do you think that that told on his mind?—I think it did. I think it very probable that it would do so. He seemed to brood over it.

16,010. Did you trace any other delusion than that of his being poisoned?—Nothing whatever, my lord. He was quite rational on every subject.

16,011. He was rational in every other way?—In every other way.

16,012. (Mr. Brodick.) Did you attribute his change of demeanour about March '69 to any particular circumstance?—I did, to an interview that he had recently had with Mr. Downing and Mr. Blake.

16,013. But did he not begin to complain of worms

before that interview?—Possibly he might, but his health was not injured by it in any degree at all.

16,014. Did you ever see the worms?—Never.

16,015. Do you believe that he really was suffering from worms?—I doubt it very much now; but I gave him opening medicine to take, the medicine which would have been of benefit had he had worms.

16,016. Had he not two interviews with Mr. Downing?—I think he had. I am not positive. I think I was present at two.

16,017. You did not remark whether it was after the first or second of those interviews that you observed the change?—I cannot say. I have no notes of it. I can tell you the date of it. I could find the date of it certainly, because I have recorded it in my notes.

16,018. Was it, do you remember, in June that Mr. Downing and Mr. Blake came together?—If it was it must have been the first interview. This interview that I refer to did not take place in June.

16,019. Was it later?—Later. It must have been so—I won't answer. I have no note of it. Possibly it may have been in June. March I think the interview was in. In March I think the interview took place; about March, early.

16,020. Then the second interview, at which Mr. Blake was present, must have been in June?—Oh, it must.

16,021. Did Burke complain to you of violent pain consequent on the medicine which you gave him for worms?—No, he did not; he was perfectly satisfied with it, and said that it had the desired effect.

16,022. Did you ever use the expression, in conversation with him, "All we have to do, Burke, is to keep the outside of you all right"?—Well, I think I did.

16,023. Meaning what?—Meaning to keep his body all correct; to keep his bulk and strength up. He was continually talking about the effects of this kind of life of misery on the system. That is what I referred to in the course of conversation.

16,024. Did you ever observe any vacuity—any expression of vacuity?—Never. On the contrary, I thought him most intelligent. I believe him to be the most intelligent of them all; I always thought so.

16,025. You thought there was no material change in his mind up to the time of his departure?—Nothing but that I could account for by his debility; his general weakness from not taking food. Nothing but what I could account for by his general debility in consequence of not taking food sufficient.

16,026. Did that refusal to take food continue up to the time of his removal?—It did; and when I mentioned the circumstance to the directors they shifted him.

16,027. What circumstance?—That he was getting emaciated. I thought it better to move him away. I thought the associations he had there were not influencing him for good; that there was a sort of league amongst them.

16,028. Was he there in a separate cell?—He was.

16,029. And was he working in association with his fellow-prisoners, the other treason-felony convicts?—He was by day.

16,030. (Dr. Greenhow.) Do you know what portion of his food he refused?—He refused the soup. He would not take the gruel; he said that it produced vermin directly he was rid of them; that at present they were momentarily gone.

16,031. What had he for breakfast?—I think it was partly on his account that induced me to write at the time about getting the tea changed. He had tea and two ounces of bread, to compensate for the loss of oatmeal and gruel.

16,032. Is it true that he took nothing but bread and water for breakfast and supper for a considerable time?—I am not aware of that circumstance.

16,033. Mr. McCarthy Downing states that for nearly three months he had to take bread and water for breakfast and supper because the prison diet had so disagreed with him that he could not use it?—He

complained always of the prison diet, but I was not aware that he objected so much as that. It is quite possible he did when he took those bits of abstinence.

16,034. Do you think it continued three months?—I think not. I think it would have been repeated to me, but it was not.

16,035. As a matter of fact, do you know that he had worms?—I do not. I trusted to his own statements.

16,036. Did the officer say that the prisoner had worms?—Yes, he told me that he had.

16,037. What sort of worms?—Merely *ascarides*.

16,038. Are worms common amongst prisoners at Chatham?—Well, in such a large body of men we have a good many, but it is not an usual complaint by any means. We do not come across it in perhaps more than a dozen or eight cases weekly.

16,039. Do you find generally *ascarides*?—No, we have very frequently the tape-worm.

16,040. This man had not tape-worm?—He had not, as it would have been brought to my notice; or had he *hookworms* it would have been brought to my notice. The medicine that he had was first *scammony*; afterwards he had turpentine and castor oil, which I believe he preferred.

16,041. (Mr. Dr. Ferris.) Is not the refusal to take food one of the commonest and earliest symptoms of insanity?—It may occur in insanity, but I had cases more frequently the opposite—a very good appetite indeed.

16,042. Have you seen any cases in which insanity developed itself further by the delusion that food was poisoned?—Yes, I have, frequently.

16,043. If a person was under the delusion that the food was poisoned and disagreed with him, would not the logical effect be very likely to follow that the food would disagree with him?—Possibly it might, if he laboured under that impression.

16,044. Did you ever take any means to ascertain whether, in point of fact, the prison diet was disagreeing with Richard Burke?—I did. I proved to him that there could be nothing in it particularly, from his having it indifferently issued to him with the other Penitentiary prisoners.

16,045. That would prove that it was not poisoned, but it would not be any proof that it was unwholesome to his state?—When he took it it nourished him for a while, but he seemed to starve for some purpose. I imagine it used to be a sort of liking with them to find fault with anything they got.

16,046. Did the others who were with him find fault also?—Some of them did. Halpin does now. He will not take it.

16,047. You said that you were present at the interview that Richard Burke had with Mr. Blake and Mr. Downing?—I was.

16,048. What was there in that interview that could have had a tendency to induce hypochondriasis in Burke?—I thought that he had indications held out to him which might not probably be realized unless he gave some strong reasons for their using their influence with respect to him. They gave him to understand that a liberation would follow.

16,049. When you use the word hypochondriasis do you use it in a medical sense, meaning some species of infirmity of mind?—No, I do not. I think his mind was not affected at all.

16,050. Do you mean *melancholia*?—There is a degree of hypochondriasis a man may have without being a lunatic. He takes likes and dislikes so strange. I think a great deal of this was induced by weakness from want of food and his mind being disturbed by the interview.

16,051. I understood you to say that when he was labouring under hypochondriasis he was in a sound mental state?—Well, I think he was. His mental faculties were excellent; that is, down to the time of the last interview with Mr. Downing and Mr. Blake.

16,052. Did you afterwards see any symptoms that would induce you to think he was not in a sound

Dr. Ross,
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mental state?—I never saw him otherwise than in a second mental state.

16,053. At any time?—At any time.

16,054. (Dr. Lyons.) Did I understand you to say that the starting point of Burke's failure in health dates from the visit of Mr. Downing and Mr. Blake?—I think so. I think so; on looking over my papers at the time I came to that conclusion. It was two or three days after that interview that he made a complaint to me about his food.

16,055. How did that influence him?—My impression was that he was led, if he could assume a debilitated appearance, and as if suffering from imprisonment, that it might induce Mr. Downing and Mr. Blake to use their influence to get his liberation.

16,056. Were you present during the interview?—I was.

16,057. Did anything pass to warrant that suspicion in your mind, on the part of one or both of those gentlemen?—It did. They told him they hoped soon to see him liberated, so they shook hands with him.

16,058. And how do you interpret that to be an indication to him to sham sickness?—I think it raised a hope in his mind, which he would of course assist as much or as possibly could by his personal appearance or any other way.

16,059. In that all that occurred at that interview that makes you form that opinion?—Well, it is; that is the main ground on which I form my opinion, that he had some power by making a statement that his confinement was injuring his health.

16,060. The fact of those gentlemen saying that they hoped to see him soon out was your only ground for forming that opinion?—It was.

16,061. Did Richard Burke ever get mercury while under your treatment?—Never.

16,062. At any time?—Never at any time.

16,063. Was he given any drug that he could readily mistake for mercury?—No; he talked about medicine he took having a metallic taste, but I found that he had drawn all his conclusions from "Fowles's Chemistry."

16,064. Not having got mercury, and having a copy of such a book as "Fowles's Chemistry," does it not appear to you evidence of a disordered mind if he had imagined that he was poisoned by mercury?—Had he not studied it in this book I would have been rather surprised, but finding that he had this in the room it occurred to me that he had got the book for the purpose of studying it.

16,065. If it was a shammed thing on his part would you consider it a very ingenious and very well considered hypothesis of his?—Well, I think it simple. I do not think there is anything very deep in it.

16,066. You said he was a man of intelligence?—I think he is the most intelligent of them all.

16,067. Do you not think that a man with a little chemical knowledge, if going to sham, might invent a better theory than that?—Possibly he might.

16,068. What medicine for the worms did you give him; what vermifuge was it that you prescribed for him?—I gave him first of all castor-oil, and afterwards castor oil and turpentine.

16,069. How was the castor-oil given; was it in pill?—In powder.

16,070. Have you any recollection of his one day getting what he calls "three heavy doses of medicine," one in the afternoon and two about supper time?—No, unless I could refer to his case. I do not know whether his case is there.

16,071. (Mr. Fredrick.) In November?—I do not know whether the case was furnished or not; if not I can do it.

16,072. (Dr. Lyons.) He says, "A little after I took the last dose I felt in a most wretched state." Is Dr. Steele still assistant-surgeon?—He is.

16,073. He states that the medicine drove him to the verge of insanity. He says, "I could not describe how I felt."—No such medicine is given, I am quite sure, in Chatham, to produce such effects as that.

16,074. At all events, I presume no medicine has ever been administered at Chatham capable of pro-

during the effects described there?—Would you allow me just to hear that again?

16,075. He says, "On that day," about the 23rd of November, "I got three heavy doses of some medicine, one in the afternoon and two about supper time. A little after taking the last dose I felt in the most wretched state; it required all my determination to overcome the terrible influence which I experienced. On the next day Dr. Steele saw me. I told him that the medicine had driven me to the verge of insanity. I could not sit still nor lie down, my nervous system was in such a state of excitement that at every moment I expected to lose my reason."—No medicine that I am aware of could produce such an effect as that; he could never have taken any of those doses of medicine without he wished for it himself. Then if the first dose produces a bad effect he would not take a second, and positively not a third.

16,076. Then that statement must have been the result of deliberate malice or of a disordered mind?—No; I cannot think a disordered mind, because he talks about his losing his reason. I do not think that that is the way of reasoning of an insane man. He very seldom alludes to losing his reason as a rule.

16,077. I am not certain of that. Have you ever observed him at any period suffer in a peculiar way after the exhibition of medicine?—I have not. I have examined him particularly with regard to the state of his mind, and could detect nothing that I could go on to conclude that his mind was in the least degree affected.

16,078. You stated that you thought a conspiracy existed between those prisoners?—Yes, I think so. It has on two occasions been so.

16,079. What do you suppose was the object of that conspiracy; what reason have you to suppose it?—For instance, when you were there, two or three of them who were getting on very well suddenly stopped their food. They are taking it now all right. It is just the excitement of the moment, or indecision to give a debilitated appearance; possibly it might have more effect than anything else.

16,080. We have examined you before on one or two cases of persons refusing their food?—I think you have.

16,081. What evidence of conspiracy could you find on that occasion?—Two or three of them together abstained from food at the same time. I fancied, from being in association and walking together in circle, that they were making up their minds to do something of this kind, to try to get their food altered.

16,082. Did they complain of their food?—They all complained, and those I remember.

16,083. At that time?—Yes, at that time.

16,084. Have you any other grounds for charging those men with conspiracy, except that two or three of them refused their food?—No. The conspiracy was in order to make them appear weak.

16,085. Have you with you now a copy of your letter to the directors on that occasion with regard to Burke's health?—I have not. That letter should be dated about the 9th. I do not think you have anything bearing on the point.

16,086. Can you give a copy of that letter to the Commission?—I can. I shall send it to you. The letter was to the governor, I can remember now.

16,087. To the governor only?—To the governor only, calling his attention to the state of the man.

16,088. And not to the directors?—It was forwarded by the governor to the directors, and the next post he was ordered to be removed within an hour.

16,089. To Woking?—To Woking. He was perfectly sensible when he started. He kept very quiet on the journey, and he wanted to know from the guard who was with him where he was going to.

16,090. Are you stating that of your own knowledge?—I sent a person with him to see how he would act on the way.

16,091. (Chairman.) Who was the person you sent?—One of the prison officers who accompanied him.

16,092. Do you know his name?—I do not recollect the name.

16,093. Could you ascertain the name?—I could.

16,094. (*Dr. Lush.*) Please ascertain and let us know.

16,095. I think you stated, in reply to Mr. Brodick, that you probably did any something like this: "All we have to do, Burke, is to keep the outside of you all right?"—I think I did say that.

16,096. What did that mean?—I meant it was to keep him in good personal appearance. He was a strong, healthy-looking man. I took him over and weighed him. He said, "It is all very well, the weight is nothing." "Oh, but," said I, "if I keep the outside of you all right, that is the principal part of you I have to do."

16,097. Did you mean that you were not responsible for the condition of his mind?—Certainly not. I only meant to tell him as long as he kept good-looking he must not think about the mind. It was rather to divert his attention from it.

16,098. It would be possible to argue from that, that though in bodily health his mental health may not be good?—He seemed continually as if some embarrassment was preying on him; that, I thought, was far want of exercise and air.

16,099. Was there any suspicion passing through your mind at all, that although in good bodily health you felt he was not all right in his mind?—I was endeavouring to ascertain whether his mental powers were good, just to test them.

16,100. (*Chairman.*) Then you were testing them?—I was at that time, my lord.

16,101. (*Dr. Lush.*) Do you mean to imply that although his bodily health was quite good you were not so sure of the condition of his mind?—No; I was trying him, because he had mentioned in a letter of his an allusion to the state of his mind.

16,102. What would you say now was the exact state of the prisoner Richard Burke's mind when he was leaving Chatham for Woking?—I would say he was perfectly sound.

16,103. Was his body sound?—His body was quite sound.

16,104. Then why was he sent to an invalid prison?—You will see by the letter that he was not sent on medical grounds. What is more, I mentioned in that letter he was abstaining from food; that I thought the associations he had were prejudicial and would recommend his being removed to another prison; and it was done immediately.

16,105. Did you recommend Woking?—I did not. I do not think that I did; but the letter shall be forwarded to you.

16,106. (*Chairman.*) You will kindly let us know the name of the person who took him from you to Woking, and also let us have that letter?—Yes, my lord.

16,107. Do you wish to add anything to your evidence?—I do, my lord. It has just occurred to me that at the time when Burke was removed a report came to me that morning from the Roman Catholic priest that Burke was sinking rapidly, on the second last occasion he abstained from food, I rushed over; I went over to see him. I could not find him in the cell, but I found him up at work; so I sent for him and asked him if he had been in bed. "No," he said, "I am quite well."

16,108. He said that to you?—He said he was perfectly well. I said, "What is the reason of this," and the warden said he would not get up in the morning; but I could make nothing more of it, and my attention was called soon afterwards to the same thing. He cannot get up when the others do in the morning. I told him, "You had better get up." "Oh, but they don't call me if I sleep," or some answer of that kind; and up he got, and went as usual to his work.

16,109. (*Mr. Brodick.*) Did you ask the Roman Catholic priest on what ground he sent you that summons?—I did.

16,110. What did he say?—He said he thought that he looked very ill.

16,111. Had he seen him at work or in bed?—I suppose he had seen him in his cell in the morning.

16,112. (*Chairman.*) Do you state that, Dr. Barnes, that you were present during an interview with the prisoner Richard Burke had with Mr. Blake and Mr. Derrington?—I was, my lord.

16,113. Were you present at both interviews?—I cannot remember. At one interview certainly I was.

16,114. You say that one of those gentlemen, or both, shook hands with him and said they hoped to see him out some day?—Some words to that effect.

16,115. Was anything said as to the circumstance that there would be no chance of his getting out unless he was ill?—No, my lord; no, I do not think there was anything of that sort passed.

16,116. There was nothing passed that might lead him to suppose that there was no chance of release, except on medical ground?—No; I do not think that that was pointedly alluded to.

16,117. Was anything said which would lead a man to suppose or to infer it?—Well, no, I do not think that the point was distinctly alluded to.

16,118. (*Mr. Brodick.*) Was his health the subject of conversation?—I think not.

16,119. (*Dr. Lush.*) Did he make any complaint at the time?—To whom?

16,120. To you or to them?—On one or two occasions he complained of the food as an excuse for not having taken it.

16,121. Did he complain to you when he refused it?—No, I do not think he did. He had always a good appetite. On one occasion, the last time, I was present when he was brought up for some offence that he had committed, and the warden reported to me that he had not taken his food. I immediately challenged him with it, and said, "Burke, how is it that you are not taking your food this morning?" He said, "I have taken it." I said, "The warden has reported to me that you have not touched your food." I said, "Be kind enough to go to the cell and see if there is any food there," and he brought me a tray with four ounces of meat and I think two or three loaves. I said, "You told me you had eaten all your bread." "Well," he said, "I have not eaten it this morning." He took a portion and ate it, and walked away to his work.

16,122. Did you think he had forgotten whether he had eaten it or not?—Well, I cannot say.

16,123. Did he seem surprised when the food was produced?—No; he seemed to take it very coolly.

16,124. Would not an ordinary man in the position of Burke, if deserted in a cell, look very much abashed?—I think he would.

16,125. When a man was circumstantially proved by the food being produced, do you not think he would look very much abashed?—I thought he looked rather restless about the assertion; but he did not at all seem taken aback as you might think.

16,126. On any former occasion had you seen him restless of assertion?—Well, I have on similar occasions seen him so.

16,127. Do you say that in a general way?—In a general way. His answers generally were such that he did not seem to care very often.

16,128. Were they positive misstatements, or were they due to weakness of mind?—No, I saw nothing so far as his mind was concerned.

16,129. Did he seem ashamed or disconcerted at being detected in a false statement?—No; he just turned away from me and went away upstairs calling a portion of it. He said, "I hadn't time to eat it this morning for breakfast," and went away eating it.

16,130. (*Mr. De Vere.*) Is it your opinion, Dr. Barnes, that this state which he got into, and which I think you called hypochondriacism, resulted from the interview between him and Messrs. Blake and

Dr. Barnes.
18 Aug. 1870.

Dr. Burns.
16 Aug. 1879.

McCarthy Downing, and was a state assumed by him for the purpose of achieving his release at a future time?—I was under the impression all the time, and was the same throughout, that that interview that he had with Messrs. Downing and Blake only tended to unhinge him.

16,131. How do you reconcile that belief with the statement you made here a little time ago, in which you traced his state of mind to the fact that his employment was not sufficient to keep the mind occupied?—I think that if he had more to do his mind would be more occupied in his work, and less about his personal feelings.

16,132. Then you think that this state of hypochondriacism was not voluntary. Which do you choose?—The one occurred at a different time from the other. It was at the latter end that this hypochondriacism appeared to exist. But his first real complaint and positive refusal to take food was almost immediately after the interview with Mr. Downing.

16,133. When was it that his mind began to suffer from want of work?—I did not think that his mind began to suffer.

16,134. Your words were, I think, that his employment was not sufficient to keep his mind occupied?—I think so, and his attention was attracted more by little grievances than if he had full employment and full work like another prisoner.

16,135. Then if the state of hypochondriacism arose from want of employment it would be involuntary on his part?—Well, that depends on the tendency of a man's mind. If he has an active mind he must think of something. He was occasionally reading. I think he did have a little more reading.

16,136. Do you think that his not having enough to do was the cause of his entering into shamming insanity in order to get out?—I think it preyed upon his mind. If continued employment—

16,137. (Dr. Lyons.) Are you aware that Dr. Meyers examined him, and gave an opinion?—I am.

16,138. Are you aware that he stated after careful examination that he was of opinion that Richard Burke was of unsound mind?—I am.

16,139. Does that opinion of Dr. Meyers in any way modify or influence the opinion you have expressed in regard to those observations that you have mentioned to us which took place while Burke was under your care?—I feel perfectly certain that his mind was not affected when he left Chatham Prison. If his mind were affected it must have been after he left Chatham Prison.

16,140. What particular interpretation do you apply to the word hypochondriac?—I mean a man thinking of his own personal discomforts and little annoyances of life; which would be remedied by giving him active employment. I do not mean to say that the mind is affected in such a case as that. He was a very strong, active, big man.

16,141. Was he a big, strong, healthy man?—I think him a very healthy man. He was tall. You could not call him a stout man, but he was fair.

16,142. Are we to understand that he was, at all events, labouring under the condition of hypochondriacism during the latter period of his imprisonment at Chatham?—I should call it hypochondriacism.

16,143. Would your evidence come to this, that in the latter part of his imprisonment at Chatham he was labouring, at all events, under hypochondriacism?—Yes, in a general sense.

16,144. (Mr. Bradrick.) Messing by hypochondriacism, as I understand you, a morbid self-consciousness, making his mind dwell too much on his own wants?—Yes, I think so, but not to amount to disease.

16,145. (Dr. Lyons.) Where would you fix the limit that he was sound and disease began?—That I leave for others to determine. I have never entered into it.

16,146. At all events, your final statement is, that he was labouring under a state of hypochondriacism for some time prior to leaving Chatham?—He was under a wrong impression.

16,147. You yourself used the word hypochondriac?—Yes, and I did it in a general manner. I did it in a general way. It was so slight that a man would not regard it as a disease to put a man under control or treatment for.

The witness withdrew.

The Commission adjourned.

[End of Minutes of Evidence.]

Report on French Prisons.—By Dr. Lyons.

To the Rt. Hon. the Earl of Devon,
Chairman of Commission, &c.

3, Parliament Street, Westminster, London,

Mr Loan,

August 30, 1870.

I now leave to submit to your Lordship the following observations, made during a brief visit to France, with a view to a comparative study of the French prison system. They are necessarily very imperfect, but will, I trust, convey an intelligible outline of the principal features of prison life under the French Empire. For the opinions expressed I am of course to be held solely responsible.

I have the honour to report that I proceeded to Paris on the 1st June. Having been provided with a letter of introduction from the Earl of Clarendon, I presented myself at the British Embassy, and was most cordially received by Her Majesty's Envoy, Lord Lyons.

His Excellency was good enough to furnish me with a letter to M. Pietri, Préfet de Police, of the Department of the Seine, under whose more immediate superintendence the prisons of this department are placed, although these, as well as all the other prisons and correctional institutions of the empire, are under the general control of the Minister of the Interior.

To M. Pietri, Préfet de Police; to M. Cadou, Chef du Bureau des Prisons; as well to the several directors and officers of the prisons which I visited, my best acknowledgments are due, for the courtesy and consideration with which I was at all times received, and for the ample opportunities which I enjoyed for fully inspecting all the interior arrangements of the prisons, as well as for the complete details furnished to me, in official documents, of the regulations as to the discipline, diet, and internal economy generally of the institutions into which I inquired.

PART I.

PRISONS OF THE SEINE.

Prisoners condemned for less than for one year and a day, and those condemned to death. The prisons in the Department of the Seine, embrace the following:

- I. The Dépôt of the Préfecture de Police, with a department called the Conciergerie.
- II. The Santé.
- III. The Prison Mazas.
- IV. The Prison St. Pelagie.
- V. The Prison De la Roquette, otherwise called the Dépôt des Condamnés.
- VI. The Prison St. Lazare, exclusively for women, including in a separate department, the "femmes publiques" or prostitutes.
- VII. The Prison for Young Offenders, a correctional institution for boys, of peculiar arrangement and discipline.
- VIII. The "Maison de Repression," near St. Denis.

With more or less minuteness, and with such care as I could best devote to the inquiry, I visited each and all of the institutions just named, with the exception of the last, which, being at some distance from Paris, it was impossible for me to inspect within the brief period at my command.

Besides the regular prison establishments above enumerated, there are three reformatory institutions on a comparatively small scale, but which have not as yet assumed such an importance, however beneficial in their operation, as to induce me to make them the subject of special notice. They are,

1. The Convent of the Madeleine, which on the 1st May contained 61 young girls.
2. The Protestant Convent, which contained " " " 5 " "
3. An Israelite Institution " " " 4 " "

The general movement and comparative statistical importance of the prisons of Paris

may be best understood from the following figures, which show the actual population of the several institutions on the 1st May 1870. For these figures I am indebted to M. Cadou, Chef du Bureau des Prisons.

STATE OF THE PRISONS OF PARIS, MAY 1, 1870.

| | | | | |
|---------------------------------------|---|---|---|------------------|
| I. Dépôt de la Préfecture | - | - | - | 218 men. |
| " | " | - | - | 56 women. |
| " | " | - | - | 32 boys. |
| " | " | - | - | 13 girls. |
| Conciergerie | - | - | - | 58 |
| II. La Santé | - | - | - | 878 |
| III. The Prison Mazas | - | - | - | 977 |
| IV. The Prison St. Pélagie | - | - | - | 407 |
| V. La Roquette, Dépôt des Condamnés | - | - | - | 351 |
| VI. The Prison St. Lazare | - | - | - | 979 all females. |
| VII. The Prison of Young Offenders | - | - | - | 167 |
| VIII. Maison de Repression, St. Denis | - | - | - | 533 men. |
| " | " | " | - | 282 women |
| | | | | <hr/> 4,900 |
| Convent of the Madeleine | - | - | - | 61 young girls. |
| Protestant Convent | - | - | - | 5 " " |
| Israélites | - | - | - | 4 " " |
| | | | | <hr/> 4,990 |

Of these 80 were Protestants and 40 Israélites.

DISCHARGED FROM 16TH TO 30TH MAY 1870.

2,961 men.
500 women.
448 boys.
37 girls.

Of the prisons of Paris, those of latest construction are the Dépôt of the Préfecture and La Santé.

THE PRISON OF THE DÉPÔT OF THE PRÉFECTURE OF POLICE.—The construction and arrangements of the Dépôt de la Préfecture, very recently erected near the Pont Neuf, fit it for the reception and safe custody of large but ever varying numbers of persons coming daily into the hands of the large and highly efficient police force of Paris, which number somewhat over 4,000. In its separate cells, halls, and covered yards, from 1,200 to 1,500 persons could be at once securely lodged.

By a peculiarity of construction, which gives great facilities of centralization, portions of the courts of justice are built over the prison, at an elevation of three or four stories. I cannot commend either the architectural arrangements, or the condition as to lighting and ventilation which result from this defect of construction. Of the effects, in a sanitary point of view, it may be difficult, if not impossible, to arrive at a definite conclusion, as the population of these prisons is a fluctuating and ever-changing one, few persons passing more than from a few hours to at the outside three days within its walls.

THE PRISON OF LA SANTÉ.—To this prison, but three years occupied, Paris may point with pride, as realising within itself all the conditions now recognised as most desirable in the construction of a prison, which contains at once the most perfect arrangements for the carrying out of the cellular system, and a department in which the prisoners of a certain class are placed in association.

Its somewhat elevated situation, on the Boulevard Arago, on the outskirts of Paris, commands a full salubrity in abundant fresh air and free perfusion.

It comprises a cellular quarter, arranged in four rays from a common centre, and a "quarter in common" entirely apart from the former. The interior arrangements and discipline of the two departments are quite distinct.

In the dimensions, ventilation, fittings, and bedding of the separate cells, will be found all that can be desired for the health and convenience of the prisoners. At one angle of the cell is placed a closet, and the system of ventilation is so arranged, that the fresh air entering by the cell window is drawn down through the closet, by aid of an exhaustion apparatus, in the basement of the building, worked by hot-air flues. As a matter of fact I observed a

total absence of unpleasant odour, a sufficient freshness of the air in them all; and it was confidently stated by the governor, warders, and prisoners, that no smell is perceptible even when the closet has been just used for the purposes of nature, so effective is the down draft alleged to be. The continuance of closets in cells is, however, of doubtful propriety.

In the arrangements for religious worship, the chapel for the cellular department of the prison is erected on the level of the first floor, in a central situation in the axis of all the rays which comprise the cellular part of the prison. This construction purports to give to each prisoner in his cell, with his cell door partially open, but secured by a special arrangement of its bolt, a view of the ministering priest at the altar. As a matter of fact this is not realised, except for the cells most favourably placed and in certain positions. I tested it by actual observation. The same arrangement, and the same defect for the purpose intended exists in the Prison Mazas.

In La Santé a separate chapel and a separate place of worship are provided for the Protestants and the Israelites.

As it is no part of my intention to enter into a full detail of the internal economy of the prisons of Paris, and as I design rather to point out in what particulars the prison system of France differs most essentially from that of England, I shall content myself by stating that in the Prison of La Santé will be found realised the most recent arrangements for the custody and health of the prisoners. The infirmary contains 50 beds, and there are usually about 40 patients.

THE PRISON MAZAS.—This institution, built just prior to and first inhabited in 1850, is conducted entirely on the cellular system. It comprises six rays, branching from a common centre, and containing 900 cells in each. The actual population at the period of my visit was 1,000. The rules and regulations as to discipline, diet, and the privileges and punishment of the prisoners are practically the same as in La Santé.

The cells resemble those of La Santé, and contain a closet ventilated on the same principle. There is no special infirmary, and the prisoners when sick are treated in their cells. The general health of the prison is reported good, and although 40 cases of small-pox occurred in the recent epidemic, only one death is recorded.

The director (governor) of this prison was good enough to furnish me with a complete set of the rules, regulations, notices, lists of effects, almanack, prices of the canteen, and other particulars regarding the prisoners, which will be noticed hereafter.

THE PRISON OF ST. PÉLAGIE.—The building devoted to this prison is of old date. Its first destination was that of a convent, but since the Revolution it has been chiefly used as a prison, and has been on various occasions the abode of notable personages, as the Princess Beauharnais, Béranger the poet, and at the present moment M. Rochefort.

To an institution like St. Pélagie occupying, temporarily, it is to be hoped, an ancient building with all possible vices of construction, and retaining within its internal economy more than one remnant of the antiquated and obsolete usages of prison life, in a part at least, it would not be fair to apply the too rigid rules of a criticism enlightened by the experience of modern prison discipline.

Perhaps the most remarkable feature about this prison is its retention to the present hour of the system of partial payment by the prisoner for his cell, bed, and part of his living, in the quarter of the institution still officially designated the "Grande Pistole." Here the prisoner pays at the rate of 90 centimes per day for his bed. His cell, bed, and bed clothes are supposed to be superior in kind to those of the other prisoners, but as all the prisoners have the common right, in this as well as in all the other prisons of Paris, of purchasing from the canteen at a regulated tariff, it is not certain that the advantages of the Pistole are as great or as exclusive as might be supposed at first sight.

Of the internal arrangements of this prison I shall not speak at any length. Its arrangements are in various respects defective; the accommodation is inadequate; so that in some instances in a cell of very insufficient dimensions—12 × 12 × 9—and with but one window, five beds are placed.

The food in this prison, as elsewhere in the prisons of Paris, appears to be good and moderately abundant. The prisoners appear to enjoy considerable privileges, with access to the canteen; the use of tobacco, dominoes, and visits and letters, are on the same liberal scale as in the other prisons.

A special department of this prison is devoted to the retention of political prisoners, and those condemned for "*délits de presse*," offences against the laws of the press.

The condition of these prisoners will be treated of in a separate section.

Various works of the kind enumerated in the list of prison industries are carried on in this prison. As usual in all the French prisons the prisoners receive weekly a certain

portion of the gains of their work which, they are at liberty to spend at the canteen, or in almost any other manner they please.

THE DÉPÔT DES CONDAMNÉS, OR PRISON DE LA ROQUETTE.—This institution dates from the early part of the present century, and cannot therefore be expected to realise fully all the requirements of a well-ordered modern prison. It is capable of accommodating 650 prisoners. The actual number at the date of my visit was 350.

It purports to receive, in common with all the other prisons of the Department of the Seine, only those who are condemned to one year or a shorter period of imprisonment. It is also the dépôt to which those condemned to death are sent, and in front of its main entrance may be remarked five oblong stones sunk in the pavement of the carriageway, which mark the site on which the guillotine is erected for capital punishment. The last prisoner who suffered capitally in the department was Traupman.

The chief defects of this prison appear to me to be due to vices of original construction of the building, insufficient ventilation, an imperfect system of baths, and a faulty and much neglected state of the intrins.

In the internal economy and arrangement of the institution all seems to be carried out that the physical conditions of the building permit.

Defects likewise undoubtedly exist in the mode of classification and want of separation of the prisoners, the very young and the comparatively innocent being herded with the middle-aged, the old, and the hardened in vice. The reprieved murderer may, and at this moment does, actually consort freely with many of the other inmates.

A room of ample dimensions is provided for the use of those condemned to death. Here they are watched night and day by two prison warders and a guard of soldiers. The closet arrangement is special, and admits of the chamber-vessel being withdrawn by a trap-door on the outside, on a level with the floor, for the purpose of constant observation and inspection of its contents, with a view, no doubt, to detect and obviate the effects of poisonous drugs employed with suicidal intent.

Works similar to those carried on in the other prisons occupy the prisoners during a great part of the day, and, as in the other prisons of Paris, those who work share in the profits on a definite scale.

THE PRISON OF ST. LAZARE.—This, the sole prison for females in Paris, occupies the site and buildings of a convent fully two centuries old. One of the smaller chapels is pointed out with reverence as occupying the exact site of the cell of St. Vincent de Paul.

The building is said to be capable of holding 1,200 prisoners. It actually contained 850 on the day of my visit. Of these 375 were "femmes publiques" prostitutes, divided into two classes kept quite separate; those considered to be "valides" or free from specific disease, and those "malades" or under treatment for some form or stage of syphilitic disease. These females, like all those in this prison, are under the general superintendence and care of the Sisters of St. Marie Joseph.

They are also partly tended and nursed by older females formerly of their own unfortunate calling, and who are admitted to the institution as volunteers, being free to go and come. In return for their services they are lodged, fed, and clothed.

All possible precautions are employed to keep the "femmes publiques" apart from the other members of the prison. They attend divine service at a separate hour. The great chapel is capable of containing 600 together. There are one or two private or separate chapels in other parts of the building.

A private association of benevolent ladies is permitted to visit this department of the prison, and some instances of reformation are reported as the result of their labours.

Like St. Pélagie this prison affords in a separate department the privilege of a superior bed in the "Grande Pistole" at the rate of 20 centimes per day. As all within the prison have the same access to the canteen at a regulated tariff, the special advantages of the "pistole" are, as already observed, not very apparent.

The prisoners sleep seemingly indifferently, and as accommodation can be provided for them, in cells holding about four or five beds, or in common dormitories, the largest of which being only 9 feet high, but having windows at both sides, contains 84 beds, ranged in four separate rows.

The same privileges are enjoyed by the prisoners in St. Lazare as in the other prisons of Paris, and as an instance of the facilities afforded for external communication, it may be mentioned that I noticed a written tariff of the payments to be made to "Commissaires," which was posted up in more than one public place in the prison, and which, according to distances, regulated the charges for messages from 5 centimes to 1½ francs.

A special class in St. Lazare comprises those very young females, under 16 years of age, who for purposes of correction or punishment are put in prison for short periods.

THE PRISONS OF YOUNG OFFENDERS.—The *Maison des Jeunes Détenus*, as its name implies, is devoted to the retention of the very young, all of the male sex. This institution, like so many other of the Paris prisons, occupies the site of an old convent, but the building has been in a manner reconstructed on the cellular system, and is arranged in rays radiating from a centre. It is capable of holding 500, but actually contained only 180 at my visit. It comprises two classes of offenders:—

A. Boys who, under "correction paternelle," are admitted for periods varying from one to six months on the complaint of one or both parents. A parent finding his child refractory, idle, or devoted in any way to bad courses, reports him to the agent de police, who, after inquiries thereupon, furnishes a certificate which enables the parent to bring the child before the *Président du Tribunal Civil*. Between the ages of 8 and 12 years the child may be sent to this house of correction for one month, above 12 years for six months.

On admission he is placed and retained in separate confinement, takes his meals separately, and exercises, with a hoop, in a separate ground. He also washes while in the exercise ground. He is at all times under the surveillance of an officer. Each of them is taught some branch of trade or manufacture, and, as in all the other prisons, shares in the profit of his labour.

He is punished if refractory by separate cell, and in all respects is treated like the inmate of an ordinary cellular prison.

B. The second class of boys occupying this prison comprises those condemned in the ordinary way by the civil tribunals, and whom, by reason of tender years or short periods of punishment, it is not thought well to send to the other prisons.

This institution does not appear to be very largely used at present. Many of the young offenders are now sent into the "colonies agricoles" in distant departments, as those at Mettray, Nogent, Foncombale. The last-named is in the Haute Vienne, and is under the direction of the Christian Brothers. The *Israélites* have a separate place of reception at Naney.

The general direction and administration of the prisons of the Seine, like those of all the other prison establishments of France, is under the control of the Minister of the Interior.

The prisons of the Seine are, however, specially entrusted to the charge of the Prefect of the police, and under his authority are supervised by the *Chef du Bureau des Prisons*, M. Cadou.

The supply of bread, general food, clothing, bedding, the heating of the prisons, the sewage and cleansing of them, and the work performed by the prisoners, are all let or farmed out to certain entrepreneurs or contractors under special conditions very rigidly defined by the Administration.

The contract for the bread supply, baked chiefly at the central dépôt at St. Lazare, is made for the short period of six months only; that for the other supplies is made for three, six, or nine years.

The daily payment for the support of the prisoners is at the present rate of 59 centimes per head.

The profit by the prisoners' labour is, as more particularly explained hereafter, divided in certain proportions, part being allotted to himself, and part retained by the State for the public Treasury and the contractor.

Of the economic results of this system I was unable to procure any more extended details than shown in the following table, which do not exhibit a profit and loss account:

| Year. | Détenus. | | | Peines. | |
|--------|-------------------|---------------|------------------|---------------|------------------|
| | Days of Presence. | Days of Work. | Product of Work. | Days of Work. | Product of Work. |
| | | | Fr. | | Fr. |
| 1866 - | 1,078,946 | 287,337 | 347,135 | 231,959 | 88,225 |
| 1867 - | 1,220,707 | 316,467 | 353,153 | 203,240 | 115,541 |
| 1868 - | 1,137,517 | 298,267 | 316,836 | 206,023 | 90,485 |
| 1869 - | 1,027,516 | 267,353 | 327,244 | 180,799 | 57,748 |

General purpose of the Prisons of the Seine.—This may be stated to be in general terms the reception, correction, punishment, and detention of persons sentenced to a period of imprisonment of less than one year and a day; also to the temporary custody of those

condemned for longer periods who are eventually deported to the general central prisons of the State, and of those condemned within the Department of the Seine, to suffer capital punishment.

In the internal economy of the prisons, a certain degree of uniformity prevails in regard to the lodging, clothing, food, occupation, punishment, and privileges of the inmates. As already pointed out, however, much variety obtains in the amount and kind of accommodation afforded in the several institutions as previously mentioned in the separate notice of each prison.

In the erection of the Mazas prison, and in the department of La Santé, both comparatively new institutions, and in the House of Correction for boys, a strictly cellular discipline is maintained. More or less of the associated system prevails in the common quarter of La Santé, and with the exception of Mazas, in nearly every branch of each of the other prisons.

The cells in the newer prisons, La Santé and Mazas, are of good condition, well lighted and ventilated, and of ample dimensions. In the older prisons the accommodation for prisoners cannot be considered as equal to the standard.

The food is of good quality but of moderate amount. It is supplied by contract under very strict conditions.

The bread is baked for all the prisoners, except those of La Santé and St. Denis, at a central establishment at St. Lazare. Two kinds of bread are in use: *white bread*, made from first quality flour; *second white-bread* (*pain bis-blanc*) made of best seconds flour. A sample of the bread is sent each day to the Chef du Bureau des Prisons; and a standard, or test sample, of the flour is kept at the general central bakery. The weight of the bread for delivery is rigidly determined. As in the case of all other articles provided by the entrepreneur, or contractor, the bread, if disapproved, may be thrown upon his hands, and a supply for the occasion provided by the governor or director of a prison, immediately, at the cost of the contractor.

The contract for bread is made for six months only.

The kitchen food, *viandes de cuisine*, comprises meat and vegetables. The contracts are made for three, six, or nine years consecutively, with power to the authorities or the contractor, on six months' notice to cancel the contract at the end of the third or the sixth year.

The régime of the prisons varies according to the categories of prisoners. The daily rations for the different prisons excepting La Santé and St. Denis, are thus given as an average of the last three years.

| | | | | |
|--|---|---|---|-------|
| Rations of ordinary régime | - | - | - | 4,200 |
| Rations of punishment régime | - | - | - | 6 |
| Rations of infirmary régime | - | - | - | 704 |
| Rations of constant full diet | - | - | - | 70 |
| Rations of the young offenders | - | - | - | 200 |
| Rations of the régime of political prisoners | - | - | - | 7 |
| | | | | <hr/> |
| | | | | 5,187 |

In addition, 40 litres of milk per day.

The ordinary régime comprises two sorts of rations, viz., the *maigre* ration, served on Monday, Tuesday, Wednesday, Friday, and Saturday; and the full (*gras*) ration on Sunday and Thursday.

The *maigre* ration five days, consists of breakfast composed of half a litre of soup, and dinner composed of one-third of a litre of dry vegetables, potatoes, or fricasséed rice, the five *maigre* dinners are to be composed successively of beans, lentils, peas, rice, and potatoes.

Into the composition of the *bouillon maigre* distributed for breakfast, the following quantities of each ingredient are put for 100 persons.

Breakfast for 100, Régime Maigre, five days a week.

- 4 kilogrammes of dry vegetables.
- 4 kilogrammes of green vegetables.
- 1 kilogramme 500 grammes of suet.
- 500 grammes of salt.

Dinner for 100, Régime Maigre, five days a week.

- 15 kilogrammes of beans or peas, or 16 kilogrammes of lentils.
- 1 kilogramme of green vegetables.
- 1 kilogramme of suet.
- 500 grammes of salt.

Dinners of Potatoes for 100.

36 kilogrammes of potatoes.
1 kilogramme of green vegetables.
1 kilogramme of fat.
500 grammes of salt.

Dinner of Rice for 100.

6 kilogrammes 500 grammes of rice.
6 kilogrammes of butter, half salted, of good quality.
500 grammes of salt.

For these different rations, pork suet, melted and well purified of the kind called *Saindoux* is specified.

The dry vegetables shall be of good quality, marketable and properly prepared (*tries*.)

The green vegetables will consist of carrots, poireaux, parsnips, onions, cabbage and oseille; they are not to be weighed until they are stripped. Cabbage may enter for one third, or even one half in the vegetables; but oseille (*sorrel*), which is admitted only as a substitute for cabbage, only enters for one fourth. During the months of March, April, and May, the directors may admit potatoes for half in the mixture of fresh vegetables.

The *grasse* ration, like the *maigre*, consists of breakfast and dinner.

Each prisoner receives for breakfast a demi-litre of bouillon, and for dinner 125 grammes of beef, dressed, boned, and of good quality.

Grasse Ration for 100, two days in the week, Sunday and Thursday.

22 kilogrammes 500 grammes of raw meat.
2 kilogrammes of fresh vegetables (as in Article 6).
600 grammes of salt.

The whole to be mixed with a quantity of water proportioned to that of the bouillon, as defined by Article 6, and which may, at need, be fixed by the Administration. Before distribution the portions of meat are weighed, and in case of deficiency the entrepreneur, contractor, is to make it good at his own expense.

The accompanying figures show with approximate accuracy the ingredients in the daily rations of the prisoners.

*Maigre Ration, five days.**Breakfast.*

| | oz. | |
|--------------------------|-----|-----------|
| Dry vegetables - - - - | 1½ | per head. |
| Green vegetables - - - - | 1½ | " |
| Suet - - - - - | ½ | " |

Dinner of beans or peas and suet.

| | oz. | drs. | |
|--------------------------|-----|------|-----------|
| Peas or beans - - - - | 4½ | 0 | per head. |
| Green vegetables - - - - | 0 | 2½ | " |
| Suet - - - - - | 0 | 2½ | " |

Dinner of lentils, green vegetables, and suet.

| | oz. | drs. | |
|--------------------------|-----|------|-----------|
| Lentils - - - - - | 5 | 0 | per head. |
| Green vegetables - - - - | 0 | 2½ | " |
| Suet - - - - - | 0 | 2½ | " |

Dinner of potatoes, green vegetables, and suet.

| | oz. | drs. | |
|--------------------------|-----|------|-----------|
| Potatoes - - - - - | 11½ | 0 | per head. |
| Green vegetables - - - - | 0 | 2½ | " |
| Suet - - - - - | 0 | 2½ | " |

Dinner of rice and butter.

| | oz. | drs. | |
|------------------|-----|------|-----------|
| Rice - - - - - | 2 | 0 | per head. |
| Butter - - - - - | 0 | 5 | " |

*Full Ration, Sundays and Thursdays.**Breakfast.*

1 pint of bouillon, thick soup as above,

Dinner.

| | oz. | drs. |
|------------------------------|-----|---|
| Meat, raw | 8 | 0, not quite 8 oz. per head put into the pot. |
| Fresh vegetables | 4 | 0, not quite $\frac{1}{2}$ oz. per head put into the pot. |
| Meat, when dressed and boned | 4 | 0, not quite 4 oz. specified. |

The following Table shows pretty accurately the weekly summary of the solid ingredients of the diets, reduced to English measure (approximately):—

| | oz. | oz. | drs. |
|---------------------------------------|-----|--------------------------|-------|
| Breakfasts | 3 | $\times 7 =$ | 21 0 |
| 2 full dinners, meat, raw | 7 | $\times 2 =$ | 14 0 |
| Fresh vegetables | 5 | $\text{drs.} \times 2 =$ | 1 2 |
| 1 dinner, beans | | | 5 5 |
| 1 dinner, lentils | | | 5 3 |
| 1 dinner, peas | | | 2 4 |
| 1 dinner, rice | | | 11 7 |
| 1 dinner, potatoes | | | |
| | | | 66 7 |
| Suet | | | 4 6 |
| Butter | | | 0 5 |
| | | | 72 2 |
| Bread, at $20\frac{1}{2}$ oz. per day | | | 143 4 |
| | | | 215 6 |

The separate aliments of this dietary per week are nearly as follows:—

| | |
|----------|-----------|
| Bread | 143½ ozs. |
| Meat | 14½ " |
| Potatoes | 11½ " |
| Beans | 5 " |
| Peas | 5 " |
| Lentils | 5 " |
| Rice | 2½ " |
| Suet | 5 " |
| Butter | 0½ " |

The régime of punishment consists solely of a litre of bouillon (with bread)

The infirmary diet is specially regulated.

The régime constantly gras comprehends exclusively the grasse rations specified in Articles 7 and 8.

The régime of the young offenders consists of three days of grasse rations and four days of maigre rations, per week.

Diet of Political Offenders.

The régime of the political offenders consists of five days of grasse rations, and two days of maigre rations.

The full ration is composed of—

Breakfast.—1 demi-litre of bouillon, with fresh vegetables.

Dinner.—125 grammes of beef dressed and boned, and four decilitres of dry vegetables fricasséed, such as beans, peas, lentils, potatoes, &c.

Wine.—5 decilitres.

The maigre ration is composed of—

Breakfast.—1 demi-litre of bouillon, maigre, composed as defined in Article 6, garnished with purée and fresh vegetables, and 4 decilitres of fresh vegetables, according to season, such as green peas, fèves, green beans (French beans), spensh, chicory, oseille (sorrel), salsif, and potatoes, &c.

Dinner.—4 decilitres of dry vegetables, fricasséed.

Wine.—5 decilitres.

The quality, weights, and parts of the meat to be supplied are duly specified.

The wine is directed to be ordinary Bordeaux, of good quality, free from admixture with brandy, white wine, or aught else; it is not to be of the last vintage, and it is to be delivered decanted and clean. A standard sample of the wine is to be lodged at the Préfecture of Police and at each of the prisons.

Independently of the foregoing dietary, the political prisoners enjoy, by Article 2 of a special regulation of 9 February 1867, the following privileges:—

The prisoners placed in the quarter in question (in St. Pélagie) will be admitted to an alimentary régime exceptionally accorded to political prisoners, and comprising daily, 600

grammes of white bread, and a demi-litre of wine, with five grasse rations per week, and two maigre.

The prisoners will be allowed to have aliments brought in from without, under the control of the Director, who should oppose the introduction of luxurious articles.

No prisoner shall be allowed to have more than one litre of wine brought in per day. The introduction of alcoholic liquors continues to be strictly interdicted. Decree of Préfet de Police, approved by Minister of the Interior 9th February 1867.

Supplementary Food. The System of the Canteen.—Besides the food supplied to the prisoners by the Administration, the privilege is accorded to them of purchasing at a regulated tariff certain alimentary substances, as well as other articles supplied in a Canteen established within the prison by the entrepreneur, or contractor, and controlled by the Administration. This, like the service for the ordinary food supply, is adjudged for a period of three, six, or nine years.

The following table contains the nomenclature of the articles, the sale of which is authorized; the approximate quantities of the objects consumed in a year; and the regulated tariff of prices for the prisons of Paris and St. Denis.

NOMENCLATURE

Of the SUPPLEMENTARY FOOD and other Articles, the sale of which is authorized in the Prisons of the Seine.

| No. in column. | Designation of Articles. | Tabulation of the Quantities to be furnished per Year. | | Prices for Sale. | | | |
|----------------|---------------------------------------|--|---------------|--------------------------|------|-----------------|------|
| | | In the Prisons of Paris. | At St. Denis. | In the Prisons of Paris. | — | — | — |
| 1 | Groceries | 100 loads | 2 loads | Per load | £ 2. | £ 2. | £ 2. |
| 2 | Meat | 65,200 boxes | 2,700 boxes | Per 10 boxes | 0 50 | Per 100 | 0 05 |
| 3 | Butter, half salted, summer | 1,000 kilograms | | Per 100 | 0 05 | Per 100 | 0 05 |
| 4 | " " winter | 1,000 " | 100 kilograms | Per 100 | 0 05 | Per 100 | 0 05 |
| 5 | Fresh butter of Isigny, summer | 300 " | 30 " | " | 0 05 | " | 0 05 |
| 6 | " " winter | 400 " | 40 " | " | 0 05 | " | 0 05 |
| 7 | Cheese of St. Emmentin | 1,000 " | 35 " | " | 1 00 | The piece | 0 04 |
| 8 | " " " | 1,000 " | 35 " | " | 1 00 | " | 0 04 |
| 9 | Cheese of Gruyère | 1,000 " | 35 " | " | 1 00 | The 32 gram. | 0 05 |
| 10 | " " Maroilles | 10,000 " | 1,000 " | The dozen | 1 50 | The piece | 0 15 |
| 11 | " " Brie | 2,000 " | 200 kilograms | The kilo. | 2 0 | The 32 gram. | 0 05 |
| 12 | " " Boudin | 2,000 " | 200 " | The dozen | 1 50 | The piece | 0 15 |
| 13 | " " White | 400 " | 40 " | " | 1 00 | The portion | 0 20 |
| 14 | Herring, smoked, dressed | 5,000 " | 500 " | " | 1 0 | The piece | 0 10 |
| 15 | Oil of Olives, 1st mark | 1,000 " | 100 " | The kilo. | 2 0 | The 32 gram. | 0 05 |
| 16 | " " olive, 2nd | 100 " | 10 " | " | 0 80 | " | 0 08 |
| 17 | Mustard, liquid | 300 " | 30 " | " | 0 70 | " | 0 07 |
| 18 | Onions | 2,500 boxes | 30 boxes | The box | 0 10 | The double doz. | 0 05 |
| 19 | Eggs, fresh, winter | 15,000 " | 1,000 " | The hundred | 9 50 | The piece | 0 10 |
| 20 | " " summer | 12,000 " | 1,000 " | " | 6 50 | " | 0 07 |
| 21 | Eggs, hard, winter | 2,500 " | 250 " | " | 5 50 | " | 0 10 |
| 22 | " " summer | 3,000 " | 300 " | " | 6 50 | " | 0 07 |
| 23 | Potatoes, boiled | 10,000 kilograms | 500 kilograms | The kilo. | 0 10 | The 300 gram. | 0 05 |
| 24 | Potatoes, earth, half size | 5,000 " | 500 " | The hundred | 5 0 | The piece | 0 05 |
| 25 | Potatoes, small | 50 " | 50 kilograms | The kilo. | 4 0 | The 30 gram. | 0 10 |
| 26 | Liquors, Spanish | 500 " | 50 " | " | 1 0 | " | 0 05 |
| 27 | " " Black Calabrese | 100 " | 25 " | " | 2 50 | " | 0 05 |
| 28 | Soap, Marseille | 500 " | 50 " | " | 1 0 | " | 0 05 |
| 29 | Soap, white | 1,000 " | 100 " | " | 0 50 | " | 0 01 |
| 30 | Sugar, winter | 5,000 " | 1,000 " | " | 1 40 | The 30 gram. | 0 07 |
| 31 | Vinegar, Orleans | 3,000 boxes | 300 boxes | The box | 0 10 | The double doz. | 0 10 |
| 32 | Rice | 25,000 " | 2,500 " | " | 0 20 | " | 0 10 |
| 33 | Cups, glazed, earthen | 9,000 " | 900 " | The hundred | 10 0 | The piece | 0 10 |
| 34 | Thread | 2,500 sets | 50 " | The 12 sets | 0 60 | " | 0 05 |
| 35 | Needles | 4,000 " | 400 " | The hundred | 1 0 | The needle | 0 01 |
| 36 | Paper for cigarettes | 7,000 quires | 400 " | " | 5 0 | The cover | 0 05 |
| 37 | Covers box | 100 dozens | 10 dozens | The dozen | 5 0 | The quire | 0 05 |
| 38 | Knives | 3,000 " | 300 " | " | 1 50 | The knife | 0 10 |
| Pork. | | | | | | | |
| 39 | Sausages weighing at least 50 grammes | 20,000 " | 1,000 " | " | 1 00 | The piece | 0 10 |
| 40 | Provisions of pork | 100 kilograms | 100 kilograms | The kilo. | 2 40 | The 50 gram. | 0 05 |
| 41 | " " lard | 1,000 " | 100 " | " | 2 20 | " | 0 05 |
| 42 | Ham, dressed | 1,000 " | 100 " | " | 2 20 | " | 0 05 |
| STATIONERY. | | | | | | | |
| 43 | Ink | 100 litres | 10 litres | The litre | 0 30 | The box | 0 01 |
| 44 | Bottles of ink | 500 " | 50 " | The dozen | 1 50 | The bottle | 0 15 |
| 45 | Paper, quire | 250 reams | 10 reams | The ream | 4 50 | The sheet | 0 01 |
| 46 | " " 1/2 sheet | 150 hands | 35 hands | The hand | 0 75 | " | 0 01 |
| 47 | Pens, quill | 500 " | 50 " | The hundred | 1 0 | The piece | 0 05 |
| 48 | " " steel | 100 gross | 3 gross | The gross | 1 00 | " | 0 01 |
| 49 | " " handles | 3,000 " | 300 " | The hundred | 5 0 | " | 0 05 |
| 50 | Pencils | 1,000 " | 100 " | The dozen | 0 50 | " | 0 05 |
| 51 | Envelopes of letters, large | 4,000 " | 200 " | The hundred | 2 0 | " | 0 05 |
| 52 | " " small | 10,000 " | 500 " | " | 1 0 | " | 0 01 |
| Wine. | | | | | | | |
| 53 | Red wine | 35,000 litres | 300 litres | The litre | 2 10 | The double doz. | 0 14 |

Tobacco is not specially mentioned in the list of articles sold in the canteen, but as a matter of fact, smoking is not prevented. Tobacco may be brought in by friends, or purchased by the prisoners; and it will be seen that paper for cigarettes is enumerated, and the quantity consumed appears to be very large.

INDUSTRIES CARRIED ON IN THE PRISONS OF THE SEINE.

A very extensive system of utilizing prison labour prevails in the Prisons of the Seine. Work is carried on as well in separate cells as by associated labour in large common work halls. The trades carried on represent all the ordinary varieties of handicraft, the manufacture of all kinds of prison garments, bed-clothes, shoes, stockings, smith-work (velocipedes, largely manufactured at St. Pélagie), book-binding, paper-marbling, &c.

The general economy of the prison labour is entrusted to an entrepreneur, or contractor. He farms the work, supplies the materials, and pays the workers on the terms of an officially regulated tariff.

Under certain reservations the contractor is entitled to about half of the net produce of the prisoners. The other half of this net produce belongs in part to the prisoners, and is to be paid to them in the manner determined by the Administration.

As regards the youthful offenders, the contractor has right to seven-tenths of the net produce of their work. The other three tenths belong to the prisoners.

Pay sheets are kept with scrupulous care, signed by the director of the prison and the contractor, and made up at the end of each month. The prisoner is furnished with a book in which the entries are made of his work, and a pocket-book in which is inscribed the detail of his daily labour.

The prisoner's share of the profits is divided into two parts; one of which is paid to him in cash week by week, and which he is at liberty to spend in almost any manner he pleases in purchases from the canteen, or even in sending for articles from outside, or in paying for messages.

In regard to the other part of the prisoners' profits it is paid into the Préfecture of Police for his account against the period of his final discharge.

The following classes of prisoners are specially exempted from work:

1. Those imprisoned for debt.

2. Persons condemned for simple contravention of police regulations, and political prisoners.

3. Prisoners occupied in the service of the Administration.

4. Prisoners in the Pistoie, who by reason of age, state of health, physical incapacity for manual labour, or the shortness of their punishment cannot be classed in the work shops.

PRIVILEGES OF PRISONERS.

Appeal.—The right of appeal is exercised freely by the prisoners, and a form of appeal to the Procureur-Imperial is posted up in the Refectory. Pens, ink, and paper will be supplied three times gratuitously to a prisoner requiring them to write an appeal. If the prisoner has no money on entrance he can earn a certain amount with little delay, part of which is paid to him in cash, and with this he is at liberty to purchase pens, ink, and paper at the canteen.

Complaints against the Director (governor) of a prison are sent out sealed, unseen by the governor, and are specially inquired into by the Chef du Bureau des Prisons.

Letters.—The practice of the prisons of the Seine in regard to letters appears to be liberal in the extreme. I could not learn that there was any restriction whatever on the number of letters to be sent out and received by the prisoners. They are, it is true, both on issue and receipt, subject to the view of the greffier, and, if necessary, of the director (governor); but beyond this there appears to be no limit to the correspondence which may be kept up by a prisoner, and when the correspondence is large, the inspection cannot in the nature of things be very rigid.

Visits to Prisoners.—The discipline of the Prisons of the Seine, in regard to visits, is on a very liberal footing. Each prisoner is allowed to receive two visits per week, on Sundays and Thursdays, from 11 to 3 o'clock.

Parlour.—Three varieties of parlour, or rooms for interviews of prisoners with their friends, are to be found in the Prisons of the Seine.

Ordinary Parlour.—In general in the ordinary parlour, the prisoner is separated from his visitor by a double rail with an interspace of about 18 inches. In St. Pélagie the prisoners are ranged at one side and the friends at the other. In the newer prisons the prisoner is enclosed in a small separate compartment, and the friend in another facing him; a door pierced and glazed closes each in, and inspection is thus secured without interruption of privacy.

Parlour of Governor or of the Greffier.—In this parlour the prisoner is separated from

his visitor by only one railing, but is enclosed and seated, and inspection without interference with prisoner is secured by a glass pane in the door. It is hardly possible to conceive a more liberal indulgence to an ordinary prisoner than is thus afforded. The political prisoners are entitled to the parlour four times in the week.

The special political prisoners undergoing sentence for press offences (*delits de presse*) are permitted to receive their fellow-prisoners, their families and friends, from without in their own apartments, who may, and often do, thus spend the greater part of the day and take their meals with them.

Advocate's Parlour.—A special room is provided in which the prisoner is permitted to see his legal adviser entirely alone.

Amongst the smaller privileges of the prisoners it may be mentioned that they are permitted to get themselves shaved, and to play at dominoes and other simple games.

PRISON DISCIPLINE.

The inducements held out to the prisoner to work for his own profit, and the numerous little indulgences, and even luxuries, which he can purchase on the spot with that part of his earnings which he is allowed to touch weekly, appear to operate as a most powerful incentive to order and industry. Refractory conduct and idleness carry with them direct loss of money and of those indulgences which it can provide.

The punishments are comparatively light and few. They embrace chiefly the dark cell, so-called, and penishment diet.

The punishment by bread and water is entirely abandoned in the Prisons of the Seine. This appears to me to be both wise and humane.

In solitary confinement the prisoner gets bouillon and bread in the morning, with légumes (mixed vegetables) in the evening.

This diet cannot be inflicted for more than three consecutive days. With ordinary diet every fourth day it may be imposed for eight days (in some instances 15 days) by the Governor of a prison, and for two months by the Préfet.

When in punishment cell the prisoner is allowed water in abundance. He is not permitted to smoke; he can get no wine; and he is deprived of the "parlor."

The infrequency of punishment diet is best shown by reference to the official estimate of the daily rations required, see p. 6, where it will be seen that out of 5,187 daily rations required in the Prison of the Seine, but six punishment rations are enumerated.

Dark Cell.—It may be confidently asserted that no dark cell, such as exists in many English prisons, is to be found in any prison of the Seine. Light, more or less, is admitted to all. I could and did write distinctly in my notebook in a so-called "dark" cell. In one dark cell a shutter intended at some former time to shut out light was incapable, from the rusty state of its hinges, of being closed by any force I could apply to it.

On the whole the system of prison discipline in the Institutions of the Department of the Seine which I have visited appears to me to be in the highest degree remarkable for humanity, a mildness almost paternal, and a freedom of indulgence, with a privilege in the matters of visits, letters, amusements, the use of tobacco, dominoes, facilities of earning and spending money, reading and writing—a gentleness of punishment which must go far to obliterate the horrors of prison life.

PART II.

MAISONS CENTRALES (PRISONS OF THE INTERIOR).

On the 8th July 1870, with a view to further inquiries, I undertook a second visit to France. I was again most cordially received by his Excellency Lord Lyons, and at once put in communication with the Ministry of the Interior.

To the great courtesy of the very distinguished and very able *Chef du Bureau des Prisons*, M. Jaillant, I am deeply indebted for communications of the most important and confidential character, and for copies of the entire series of reports and statistics on the prison system of the Empire at large, including the important institutions known as the *Maisons Centrales*.

These central prisons are destined for the reception of convicts whose term of imprisonment exceeds one year and a day. Forty of these institutions exist throughout the Empire. They are occupied indifferently by criminals of all classes, certain of them being devoted to females exclusively. They are in major part prisons of associated labour, in which the rule of silence is rigidly enforced. Under the authority and by the special permission of the Minister of the Interior, I visited two of the most celebrated of these prisons, that at Poissy department of the Seine et Oise, for males, and that at

Clermont, for females. I append a brief sketch of the principal features of prison life, as exhibited in these institutions during my visits.

As an example of another class of institutions, devoted to the reform of young offenders, I visited the very celebrated institution of Metzray, an agricultural colony in the neighbourhood of Tours. Some details of the most striking characteristics of this institution, I refer to a future occasion.

General movement of the Central Prisons and Penitentiary Establishments.—The latest statistical return published is that in 1869, for the year 1867.

The year 1867 was remarkable for a notable augmentation in the population of the prisons and penitentiaries. On 31st December 1866, the different places of detention under the authority of the Minister of the Interior, contained :—

| | Individuals. | | | |
|---------------------------------|--------------|---|---|---------|
| Remaining on 31st December 1866 | - | - | - | 48,519 |
| Entered in year 1867 | - | - | - | 309,923 |
| Total | - | - | - | 358,442 |
| Discharged in year 1867 | - | - | - | 307,966 |
| Remaining on 31st December 1867 | - | - | - | 50,466 |

The number of the days of detention, which in 1866 was 17,096,064, rose to 17,753,875; and the mean population mounted from 46,838 to 48,621.

This increase corresponded to a period of alimentary crisis, and is considered to present nothing to give ground for surprise or alarm.

Diet of the Prisons of the Interior.—It is worthy of remark that while in these prisons the general diet is on the same basis as that in the prisons of the Seine, it has been found by experience in the female prisons more economical to allow to the inmates *pain à discrétion*, that is to say, not to weigh out the ration of bread, but to let each take as much as she wants; each is satisfied, and waste is prevented, while on the whole a saving is obtained in the total quantity consumed.

INDUSTRIES CARRIED ON IN THE FRENCH CENTRAL PRISONS.

Amongst the most striking features of French prison life, is the activity with which a large variety of industrial pursuits is carried on by the inmates of the central prisons and penitentiaries. The profits of the labour of the prisoners, in proportion varying with the special conditions in which each is placed, are shared by themselves. They have thus a direct stimulus to work, in the immediate daily enjoyment of a part of the fruits of their work, by purchases made at the canteen. They are further encouraged to order and industry by the prospect of putting by an ever accumulating store for the day of their release, and under certain circumstances they are permitted to send out a part of their earnings for the relief of their families, if shown to be in need of such assistance. The remaining portion of the profits of the prisoners' labour is applied towards his own support and that of the establishment.

The profits vary in different prisons, and may be estimated by the different figures per head at which the contractors undertake the feeding and clothing of the prisoners and staff, and the care and cleansing of the prison, in return for the profit derived from their work.

These figures vary from a maximum of a little over one franc per head per day in some few and very remote prisons, to a few centimes in some of the more important prisons in proximity to the larger cities.

In the female prison at Clermont, which I had the pleasure of visiting, the present contract is at zero. Only three industries are carried on in this institution, those of shoe-making, machine sewing, and hair plaiting. The products of the prisoners' labour in these two branches commands a ready market in Paris.

About 60 branches of industry are represented in the works carried on in the various prisons. They comprise many forms of work in brass and iron, the manufacture of artificial jewellery, harness, shoe making in all forms, manufactures in horn, ornamental timber work, clock cases, fabrication of ornamental paper lanterns, lamp shades—including the lithographic printing of the patterns in colours—cameo-carving, hair plaiting, wig making, &c.

The products of the various industries carried on in the prisons and penitentiaries for the year 1867 is reported in the following table. The term gratifications indicates sums

awarded to the most industrious of the prisoners, and superadded to their own special profits, always defined by the term "*pécule*."

| Product | Men. | Women. | Total. |
|----------------|-------------------|----------------|-------------------|
| Gratifications | £110,828 8,189 | £27,213 566 | £138,042 8,756 |
| | £119,017 | £27,779 | £144,798 |

| | | | |
|-------------------------|-------------------------|-------------------------|-----------|
| Pécule of the prisoners | { Reserve Disposable | { : : £27,819 35,860 | { £63,679 |
|-------------------------|-------------------------|-------------------------|-----------|

| | | | |
|---|---|------------------------|-----------|
| Portion left to disposal of Government. | { Tenths conceded to contractors Tenths reserved to Treasury | { : : 67,471 12,773 | { £80,244 |
|---|---|------------------------|-----------|

To those of the prisoners who are able and willing to work, and for whom the contractor cannot for the time supply work, he is bound to make an allowance of so many centimes per day according to a regulated scale.

Those prisoners who by reason of age or infirmity or other incapacity are unable to profit by work, are permitted to receive the benefit of monies placed to their credit by their families or friends. To those who have no such resources supplementary provisions are issued, on the recommendation of the medical officer.

When finally liberated from prison, the reserve is paid to the prisoner in two portions, one to cover the expenses of his journey is given to himself, the other is sent to his place of final destination, and can only be drawn by himself in person.

The amount which may be gained by an industrious prisoner is very considerable. It was stated to me that a prisoner recently liberated had to his credit something over 1,100 francs, upwards of 45*l.* sterling.

An English prisoner confined at Poissy informed me that he was able to earn about 16*d.* per day, half of which went to the contractor. He was at liberty to spend up to 5*d.* per day at the canteen. He was permitted to receive money, within certain limits, from his family in England.

This system, in all its bearings economic and moral, and as a powerful agency in promoting prison order and discipline, appears to me to be well worthy of profound study.

It has been long in existence in France, has been well proved in its actual operation, and although abolished as a dangerous element of competition with free labour by the provisional government of 1848, by a decree of March 24th, 1848, it was re-established on April 21st of the same year, by a ministerial circular signed by M. Jules Favre, and has been continued uninterruptedly since.

PRISON DISCIPLINE IN MAÎSONS CENTRALES.

Dark Cells.—By an ordinance of so early a date as 1560, article 55, it is enjoined that no prison shall be constructed lower than the level of the ground. By an order of 1819, all cells and lodgings, which their situation under or even on the level with the ground renders insalubrious are interdicted; no one can be shut up therein for any cause whatsoever.

No absolutely dark cell existed in any prison visited by me. Theoretically it may be said that such a punishment exists, but its use is all but abandoned in practice.

Bread and Water Punishment Diet.—The power to impose dry bread and water as a punishment may be said to exist theoretically, but it is only in very rare cases put in practice; some form of thickened vegetable soup being in the great majority of instances allowed to the prisoners under punishment. One day of bread and water is the award usually made whenever this mode of punishment is at all had recourse to. The period never exceeds two days.

By Ministerial circular of 13th August 1844, M. Dachatel enjoins on each governor of a prison that he shall not permit the punishment by bread and water to be prolonged so as to injure the strength of the convict. If he judges it necessary, he will cause to be given to the prisoner, in addition to his bread, soup, and even other articles of food, although he should continue to refuse to work. "The considerations of humanity must here dominate all others."

Irons.—The use of irons is confined to the cases provided for by the article 614 of the Code of Criminal Instruction. In several of the prisons no irons are used under any circumstances. In case of great personal violence, the very intelligent director of the Maison Centrale de Clermont informed me that the canvas straight waistcoat was occasionally employed, but never longer than half an hour at a time.

Corporal Punishment does not exist in any form in the prisons of the Empire. The state of the national feeling of the population of France on this subject is long and well known. Striking a prisoner is expressly prohibited. The Minister Vaublanc, in an official circular, lays down that the prison officers should not permit themselves to employ any treatment, save in extraordinary cases, except those of legitimate self-defence; "to strike a man is to shame him without correcting him."

Visits.—The friends of prisoners are allowed to visit them on two days in the week, usually Sundays and Thursdays. It is the practice to allow members of the family, coming from any considerable distance, to see them on any day in the week. In the case of father, mother, wife, children, and other persons within the nearest degree of relationship, the order of the mayor of the locality, easily obtainable, provides immediate admission.

Letters.—The prisoners are permitted to receive letters daily. They are allowed to write a letter once in every two months, but there is much relaxation of this rule, and if any reasonable cause can be shown on grounds of family affairs, the prisoner is permitted to send out letters as the occasion arises. The facility of sending aid in money out of the prisoner's earnings to his family, if in need of it, has been already pointed out and both implies and necessitates a very great relaxation of the rules in regard to letter writing.

Profits of Labour.—It has been already shown to what a large extent the prisoner profits by the product of his own labour; firstly, in the immediate daily enjoyment of sundry small additions to his diet; secondly, in the power of laying by a store for the day of his release; and thirdly, in the facility afforded to him for sending a part of his savings to his wife or other immediate member of his family who may need assistance.

CLASSIFICATION OF PRISONERS.

It cannot be said that any complete general system of classification of prisoners exists in the central establishments and penitentiaries.

In the years 1863 and 1866 special quarters were set apart in the prisons of Melun and Clairvaux for men, and Clermont for women, for the reception of a certain class of prisoners of various ages, of better antecedents as to their families and their own careers, than the ordinary criminals. These quarters are styled the quarters of amendment and preservation. Contact with ordinary criminals is very rigidly prevented. The prisoners in these quarters are in all other respects, as to work, profits, &c., treated like the other prisoners, but the evils of indiscriminate association are thus avoided. The system appears to be approved by experience of its working, and has been extended to many of the central prisons. I had an opportunity of seeing it in operation at Poissy and Clermont.

Youth.—Age constitutes another element of classification. Thus the young offenders in the department of the Seine are relegated to the cellular establishment at La Roquette. The agricultural colony of Mettray, near Tours, furnishes accommodation to about 800 youths from 5 to 16 years of age.

Mettray also contains a separate quarter for the sons of persons in the better classes of life, whom, in consequence of wild or refractory conduct, it is deemed advisable to submit to cellular discipline. Under the powers of "paternal correction," the law permits parents and guardians to send refractory children to a correctional establishment for certain periods. The strictest privacy is observed, in illustration of which it is stated that two brothers were, unknown to each other, confined in Mettray at the same time; a fact which they only discovered in the mutual confidence of after life. Young females are sent to St. Lazare and certain other prisons in the interior.

Old Age.—The prison at Belle Isle has been for some time set apart for the reception of old men.

Special Quarters for Political Prisoners.—As already shown, those condemned for political offences, for a period less than one year and a day, are placed in the prisons of the Seine, under the conditions fully detailed in a former section.

Political prisoners condemned for longer periods, it was the practice to confine in quarters, declared by Imperial decree to be special, of certain prisons from time to time particularly designated.

Thus a Special Quarter for political prisoners existed until the recent general amnesty in the Maisons Centrales of Nîmes, of Melun, and of Corti in Corsica.

Under certain circumstances, political prisoners have been sent to French Guyana and New Caledonia, as will be hereafter more fully detailed.

For prisoners condemned for political offences to longer terms than one year and a day, special provision was made in departments of certain of the *Maisons Centrales*, converted by Royal or Imperial decree into a "quarter for the detention of political offenders."

Previously to the recent general amnesty, one such quarter in a special prison existed in the Island of Corsica, one in the *Maison Centrale* at Nîmes, and one in the *Maisons Centrales* at Melun. These quarters are now empty of political prisoners.

Though not enjoying the full privileges accorded to political prisoners confined in the Department of the Seine, the political prisoners in these special quarters had many and exceptional favours accorded to them. They also enjoyed the free access to the canteen, which though not on so liberal a scale in the prisons of the Interior as in those of the Seine, I may here observe is common to the whole prison system of the Empire, and affords many facilities to the prisoners for gaining little luxuries and enjoyments.

LES BAGNES, GALÈRES, OR GALLEYS.

With regard to this class of prisons, corresponding to our public works prisons, such as Coatham and Portland, and of which the most celebrated are to be found at the naval stations of Toulon, Brest, and Rochefort, I may remark that no one at all acquainted with the prison system of France could suppose that the system of the galleys as of old any longer has existence in the Empire.

The prisons in which the galleys were in former times employed are now and have been long known as *Les Bagnes*. They are under the direction of the Ministry of Marine. No political prisoners, as such, have been sent to these prisons in recent times.

TRANSPORTATION.

The French possessions of Guyana and New Caledonia remain to be noticed as localities to which political, with other prisoners, have from time to time been deported.

From the official reports of the Ministry of the Marine I am enabled to furnish the following important data.

Penal Colonies.—The transportation to penal settlements of French convicts dates from the year 1851. A decree of 8th December 1851 gave to the government the power to transport, for five to ten years, to Cayenne or Algeria, individuals placed under the surveillance of the police, recognised as culpable of rupture of peace, or of having taken part in a secret society.

Exception was made in favour of those whom a force of opinions alone had compromised, and exile to Guyana was reserved for those *repris de justice* solely, and for individuals whom the military commissioners marked out as more particularly dangerous.

Thus, the official document quoted goes on to say, the government in accord on this point with public opinion, traced from the commencement a line of demarcation between the political transport and the ordinary criminal.

The Safety Islands, near Cayenne, off the coast of French Guyana, were first selected as a temporary penal settlement. Certain districts on the main land were subsequently chosen, and had to be abandoned in succession, in consequence of the ill results to health which followed the attempts to clear and break up a virgin soil. The early settlers suffered severely from the effects of climate, and febrile diseases prevailed with great fatality. On two occasions the colonists were visited by yellow fever.

After testing various localities, the settlement of Maroni was finally chosen, and the experience of the following years fully demonstrated the fitness of the choice, in a highly improved condition of the colony and a satisfactory state of health.

In referring to the difficulties and dangers which beset their first efforts at penal colonisation in Guyana, the French authorities have not failed to point to the parallel furnished by the early history of the English settlements in Australia, where, as is well-known, scorbutic diseases produced such ravages amongst the first settlers.

In the settlement at Guyana very liberal conditions appear to have been conceded to the colonists. Schools and libraries, and at a later date, public lavatories and baths, have been established. Marriage has been allowed and encouraged, and marriageable females sent out. The families of convicts have been allowed to join them. They have been permitted to work for their own profit; lands have been conceded to them. They have in many instances been liberated on condition of working in the colony until the expiration

of their original period of sentence. They have been, when well conducted, allowed to follow certain industries in the town of Cayenne.

Finally, in 1867 it was determined to send for the future, European French convicts to the island of New Caledonia, the superior salubrity of which had been well established. The Arab convicts of the Empire were found to bear ill the voyage to New Caledonia, and as they well withstand the climate of Guyana they have been since 1867 sent to that colony.

POLITICAL PRISONERS.

From an early period the question of the location and treatment of persons convicted of political offences, appears to have occupied the special attention of the successive Governments which have ruled in France, and to the consideration of this subject many distinguished statesmen have at various epochs given a profound attention.

In the Code des Prisons a complete collection of all the laws, ordinances, arrêts, ministerial circulars, and instructions concerning the interior economy and discipline of the various prison establishments of France, and extending over a period of two centuries, 1670 to 1870, will be found frequent references to the mode of dealing with persons convicted of political offences.

The well-known names of Montalivet, Decazes, De Baisac, Guizot, D'Argout, Duchatel, and Thiers, &c., &c., will be found appended to numerous ministerial circulars, defining in well reasoned state papers, many of the more important questions of prison economy and discipline. In a circular of 7th August 1834, M. Thiers, then Minister of the Interior, in view of the law of 1832, and a circular of 1833, on the same subject, defines in very precise terms, the principle and the practice to be followed in regard to individuals condemned for political offences, and for terms longer than one year and a day.

From the Ministerial circular of M. Thiers, the following extracts are taken :—

"The Government has judged it to be suitable and in conformity with public opinion, not to confound in any case political convicts, purely such, with the other convicts destined for the houses of force and correction, and I have even decided that they should receive a better alimentary regime, and that they should not be forced to work."

"But our condition is indispensable in order that men condemned to reclusion or imprisonment for acts, or on the occasion of acts of political nature, may without any sort of scandal be admitted to enjoy these favours; it is necessary that it should be demonstrated and incontestable that they have not acted except under the influence of their opinions. Thus individuals, who, on the occasion of political troubles should give themselves up whether to the pillage of money or other movable objects in order to appropriate them, or to any other ordinary crime against social order, could not be considered but as simple malefactors, whilst the pillage of arms (unless particular circumstances establish a contrary presumption) cannot be considered except as a simple political crime. The presumption should be equally against those who may take part in a political movement, if they had previously been condemned for theft, or for any other dishonourable action. In these cases the administration is authorised to think that such men have taken part in political troubles only with a view to pillage and devastation. Their place is then marked in the quarters of those condemned for ordinary crimes, without there being moral ground for according to them any favour. The purely political convicts would themselves, with reason, repel such an association."

"Those condemned for political crimes of the press must naturally be classed in the category of political convicts."

The principles laid down in this circular appear to have been followed by succeeding Governments in France, in regard to political prisoners. Special quarters were by Royal or Imperial decree from time to time declared to be constituted in certain of the central prisons for those whose periods of imprisonment exceeded one year and a day. The Imperial decree defining a special quarter in the prison St. Pélagie in the department of the Seine, for their political offenders condemned to a period less than a year and a day, is here appended in full.

Special Privileges of Political Prisoners.—The general privileges of this class will be better understood from an inspection of the following literal translation of the Minute of February 9th, 1867.

PRISON OF ST. PÉLAGIE.

SPECIAL REGULATION FOR THE QUARTER OF THE POLITICAL PRISONERS.

We Prefect of the Seine

Proceeding in conformity with the instructions of his Excellency the Minister of the Interior

Decree as follows :

Article 1.

There is created at the House of Correction of St. Pélagie a Special Quarter destined for political prisoners condemned to less than a year and a day of imprisonment.

Article 2.

The prisoners placed in the quarter in question shall be admitted to the exceptional alimentary régime accorded to political prisoners, and comprising, per day, 600 grammes of wheat bread, and a demilitre of wine, and per week five services gras and two services maigre.

The prisoners may procure aliments from without under the control of the Director, who must oppose the introduction of dishes of luxury.

No prisoner shall cause to be brought in more than one litre of wine per day.

The introduction of alcoholic liquors continues to be strictly interdicted.

Article 3.

The prisoners may communicate amongst themselves during the day in the interior of the quarter reserved for them.

They will communicate in a parlour attached to the quarter in view of permissions granted in the Bureaux of the Prefecture of Police, as well with the members of their families, as with strangers who have established legitimate motives for visiting them.

These different communications will take place on Mondays, Tuesdays, Wednesdays, Fridays, and Saturdays, from noon to 4 o'clock, and on the other days from 8 o'clock a.m. to noon.

Article 4.

The correspondence of the prisoners, whether as regards receipt or despatch, shall be remitted exclusively to the officer, and submitted to the visa prescribed by the general rule of the prison.

Article 5.

Every contravention of the disposition of the present decree, every grave offence against the order or discipline of the prison, may entail, according to circumstances, upon the prisoner the interdiction of communicating with persons from without or with his fellow-prisoners.

Article 6.

The present decree shall be posted in the cells and elsewhere as need shall be.

The Prefect of Police,

J. M. PISTRI.

Approved,

The Minister of the Interior,

LA VALLETTE.

Paris, 9th February 1867.

In evidence of the scrupulous regard to the feelings of the political prisoners, it may be mentioned that I was not permitted to visit their quarter, as it is not a question of any stranger seeing them, but of their special wish to see anyone who purposes to visit them. In this regard the privacy of their quarter, like that of a home, is fully respected.

The shortness of the sentence, and the favourable conditions in which the prisoners confined for political crimes in the prisons of the Seine are placed, are in no manner to be taken as a measure of the lightness of their offences in a political point of view. Some of the prisoners lately undergoing sentence in the prisons of this department, have been guilty of armed rebellion against the State, and of incitement by articles in the public press to the overthrow of the Empire and the established form of government.

As I have previously stated, no political prisoners were at the periods of my visits to France undergoing sentence for any term exceeding a year. Those condemned for

periods less than a year since the recent amnesty, were undergoing their sentence in the prisons of the Seine under the conditions fully already explained.

For those persons concerned in the disturbances of the early part of this year, and who have since been brought to trial at the High Court assembled at Blois, it was intended, I was informed, to provide a special quarter in some prison of the interior, not at too remote a distance from Paris, should any of them be ultimately made amenable to justice.

For those who, under colour of political action, commit or attempt to commit crimes which fall under the ordinary categories of the criminal code, no favour or exceptional consideration is reserved. Thus it is that in the instance of Traboucot, convicted of an attempt to assassinate the Emperor, this convict has had to undergo the fate of any criminal convicted of a similar attempt on the life of a private individual.

I am well aware that in this very brief and imperfect sketch of the French prison system, I have failed to do justice to so important and interesting a subject.

My desire has been simply to point out what appear to me the most striking characteristics of prison life and discipline in France, with a view to invite attention to their more profound study, and a mature consideration of the principles upon which they are based.

To the code which rules the prison system of the French Empire, some of the leading minds of that country have contributed largely from time to time, and if all the philosophic problems of prison life have not been fully solved, many of them have received important elucidation in the articles of the prison code which are based on the experience of a period of two centuries.

ROBERT D. LYONS.

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